

## STAFF REPORT

**Planning Commission Meeting: December 14, 2020**

<b>Application:</b>	<b><u>RZ20-0009:</u> Rezoning from CP-2 (Planned General Business District), AG (Agricultural) District, CTY RUR (County Rural, and R-4 (Residential Medium-Density Multifamily) District to C-2 (Community Center) District and a revised preliminary site development plan for Sunnybrook Commercial</b>
<b>Location:</b>	Northwest Corner of S. Lone Elm Road and W. 119 <sup>th</sup> Street
<b>Owner:</b>	Mark McKinzie; McKinzie Asset Management Company, LLC
<b>Applicant:</b>	Todd Allenbrand, Payne & Brockway P.A.
<b>Engineer:</b>	Mark Huggins; Payne & Brockway P.A.
<b>Staff Contact:</b>	Zachary Moore, Planner II

<b>Site Area:</b>	<u>16.4± acres</u>	<b>Proposed Use:</b>	<u>Retail Sales, Generally</u>
<b>Building Square Footage:</b>	<u>89,100 square feet</u>	<b>Plat:</b>	<u>Sunnybrook</u>
<b>Existing Zoning:</b>	<u>CP-2 AG, CTY RUR, and R-4</u>	<b>Proposed Zoning:</b>	<u>C-2 (Community Center)</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Community Commercial Center</b>	<b>Vacant</b>	<b>CP-2/AG / R-4/CTY RUR</b>	<b>4</b>	<b>Commercial or Retail Building</b>
<b>North</b>	Community Commercial Center	Vacant	R-4	3	B
<b>South</b>	Conventional Neighborhood	Townhomes	RP-3	-	-
<b>East</b>	Mixed Density Residential Neighborhood	Vacant/Twin Villas	NC/RP-3	-	-
<b>West</b>	Community Commercial Center	Vacant	CP-2 (R-4*)	3	Vertically Attached Residential

\* RZ20-0010 is on this agenda for a proposed rezoning from CP-2 to R-4

## 1. Proposal

The applicant is requesting approval of a rezoning from CP-2 (Planned General Business District), AG (Agricultural) District, CTY RUR (County Rural) District, and R-4 (Residential Medium Density Multifamily) District to C-2 (Community Center) District with a preliminary site development plan for Sunnybrook Commercial. The subject property is located at the northwest corner of Lone Elm Road and W. 119<sup>th</sup> Street.

The applicant is requesting the rezoning to the C-2 District to add commercially zoned property to the existing commercially zoned land at the northwest corner of Lone Elm Road and 119<sup>th</sup> Street creating a single zoning ordinance for this area. The small portions of the overall property that are currently zoned AG (1.79± acres), CTY RUR (0.73± acres), and R-4 (0.79± acres) would add approximately 3.31± acres of commercial zoning.

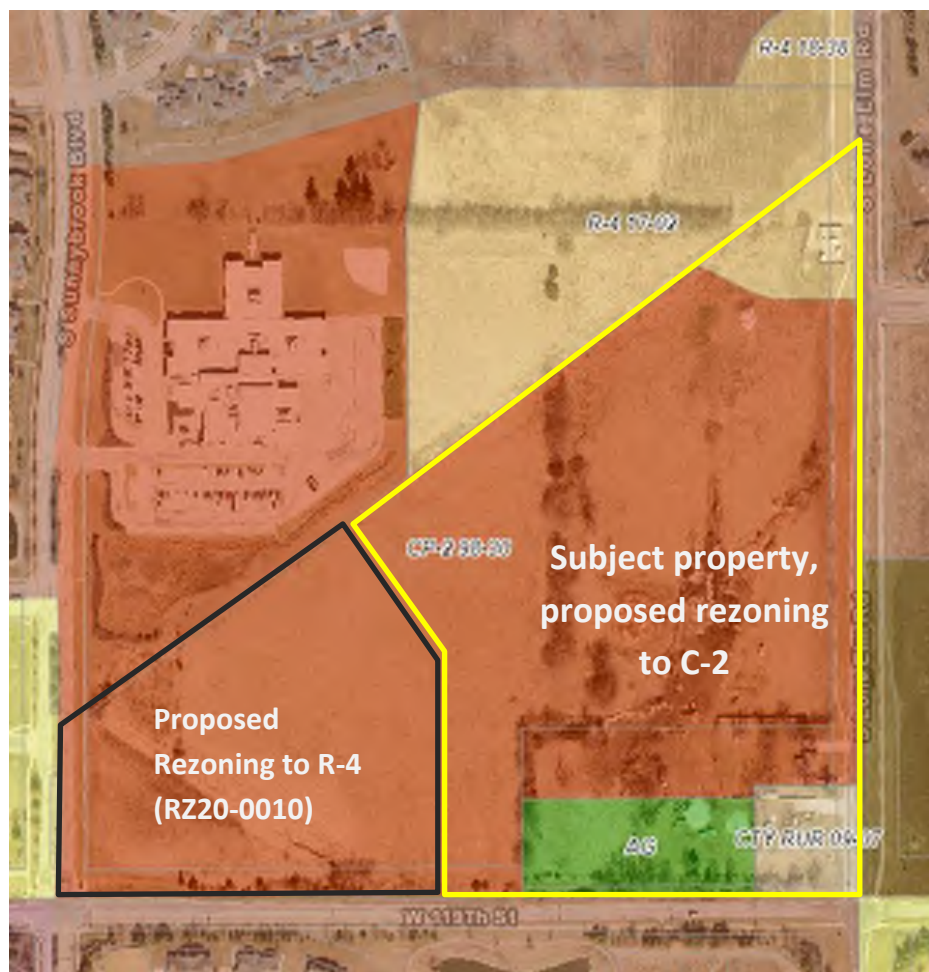
A preliminary site development plan is included with this rezoning request, as is required by Unified Development Ordinance (UDO), Section 18.40.090. The preliminary site development plan includes two multi-tenant commercial buildings totaling 30,100 square feet and seven (7) commercial outparcels comprising approximately 59,000 square feet. The details provided for lots 3 through 9 are conceptual in nature and do not include the level of detail typically provided with a preliminary site development plan. The applicant requested flexibility here as tenants have not been identified. Revised preliminary plans for each of these lots will be provided prior to submittal of final site development plans.

## 2. History

The overall 16.4 acre subject property was annexed in three (3) separate phases; 3.78 acres near the southeast corner of the property which are currently zoned CP-2 and AG were annexed in January 1977, 11.62 acres of the property zoned CP-2 were annexed in October 1996, and the final 1 acre of the subject property, which is the southeastern-most portion of the property, was annexed in March 2009 has retained its County Rural zoning designation.

The properties that are currently zoned AG and CTY RUR, have retained that zoning since the time of their annexation, 1977 and 2009, respectively. The portion of the property that is currently zoned CP-2 was rezoned in 1998, under the terms and conditions of Ordinance 98-30. A preliminary plan accompanied this zoning and contained several retail buildings.

A related rezoning application is also under consideration on this agenda for a rezoning from the CP-2 District to the R-4 District (RZ20-0010), to accommodate a senior living facility, on the property immediately to the west. The map provided on the next page outlines the subject property in yellow, which is proposed to be rezoned to C-2 and outlines the adjacent property which includes the proposal to rezone to the R-4 District in black.



*Map of existing zoning of the northwest corner of Lone Elm Road and 119<sup>th</sup> Street*

### 3. Existing Conditions

The subject property currently includes a two-story single-family home with two (2) outbuildings at its southeastern corner, and a small electric substation at the northeastern corner. There are existing tree lines within future right-of-way dedication for 119<sup>th</sup> Street along the southern side of the property, that extend north onto the property. The property naturally slopes downward to its low-point near the southwestern portion of the property along 119<sup>th</sup> Street.

RZ20-0009  
December 14, 2020  
Page 4



*View of site looking west from Lone Elm Road.*



*Aerial view of subject property, outlined in yellow*

#### **4. Land Use Analysis**

The majority of the subject property is currently zoned CP-2, under the terms and regulations of Ordinance 98-30. The existing CP-2 District and the proposed C-2 District allow for the same permitted uses under UDO 18.20.500. However, Ordinance 98-30 includes a list of prohibited uses for any area within 400 feet of residential development. The list of prohibited uses for the existing CP-2 District includes:

- a. Automotive repair and maintenance shops.
- b. Businesses with drive-in or drive-through services.
- c. Car washes.
- d. Convenience stores and gasoline service stations.
- e. Liquor stores.
- f. Outdoor garden centers.
- g. Outdoor merchandise display, except for daily sidewalk sales on a temporary basis only during business hours not to exceed 150 square feet in display area.
- h. Tire, battery, and accessory stores.

Due to the close proximity of residential development, Staff recommends that the following uses be prohibited, which are similar to the uses identified above. Staff has worked with the applicant and they are amenable to this prohibited use list.

1. Distance restricted businesses, as listed in Olathe Municipal Code Chapter 5.43;
2. Hotel, Boutique;
3. Hotel/Motel;
4. Convenience stores with or without Gas Sales;
5. Gas Station;
6. Auto Supply Store;
7. Pawnshops; and
8. Vehicle Services.

Of the uses that were restricted as a part of the 1998 zoning, several uses, such as car washes, billboards, outdoor garden centers, and outdoor merchandise display are no longer allowed in the C-2 District, (UDO, Section 18.20.500). Other uses in the above list have new names in today's UDO. Examples of these include 'Tire, battery, and accessory stores' which are now listed as 'Auto Supply Stores,' as well as 'Automotive repair and maintenance shops' which are now listed as 'Vehicle Services.'

Businesses with drive-in or drive-through services are not included in the prohibited uses list, as this includes many uses that typically serve as anchors for developments of similar scale and location. This includes uses such as drive-through pharmacies, restaurants and financial institutions. Since the property was zoned CP-2 in 1998, the City has adopted design requirements relating to the location of order boxes and pickup windows to help mitigate concerns and increase compatibility with nearby residentially zoned properties. In addition, staff has not found any reason to include liquor stores in the prohibited use list.

## **5. K-7 Corridor Study and K-7 Design Guidelines**

The subject property is located within the K-7 Corridor Study Area, which is bounded by Clare Road on the west, Lone Elm Road on the east, K-10 Highway to the north and 127<sup>th</sup>/Harold Street to the south. The K-7 Corridor Study and the K-7 Corridor Design Guidelines were developed and implemented based on guiding principles to continue to better Olathe as a place to live and work. These Plans ensure mutually beneficial development, provides economic development and employment opportunities for the City and its residents, and provides a vision of high quality, unique, well-planned, complimentary mixed-use developments.

The subject property is identified on the Future Land Use Map of the K-7 Corridor Study as “Commercial, Local,” which is intended to provide for retail and service uses that serve the surrounding neighborhoods. The Study also states that developments should primarily serve the surrounding land uses and be connected to these areas through building design, use, and linkages for pedestrian and vehicular transportation modes.

The zoning request and associated preliminary site development plan achieves the goals of these Plans by including pedestrian connectivity, through site layout, and land use. This preliminary site development plan includes a total of approximately 89,100 square feet of commercial buildings, which is of a size typical for a local commercial center. This preliminary site development plan aligns with the “Commercial, Local” designation of the K-7 Corridor Study.

### ***K-7 Corridor Design Guidelines***

In addition to the principles, goals, and policies identified earlier in Section 5, the K-7 has Design Guidelines for site design and building design for non-residential development. Stipulations are included with the preliminary site development plan to follow the design criteria of the K-7 Corridor Design Guidelines which were specified under Ordinance 98-30.

- a. **Site Design Criteria** – Development in the K-7 Corridor requires high-quality site design such as on-site amenities, creation of a strong street edge, limited pavement areas, and pedestrian connections. The applicant has provided a preliminary site development plan to accompany this rezoning request that is compliant with these design guidelines. Additional guidelines are included for development of fast food restaurants, requiring safe and equal access for non-vehicular traffic to be provided. As stated on page 2, the outparcels are conceptual in nature and additional detail, compliant with these design guidelines, will be provided with revised preliminary site development plans.
- b. **Building Design Criteria** – The buildings proposed with this development are conceptual in nature and elevations have not been provided for each building. At



the time of revised preliminary development plans for each building, architectural elevations will be required to provide a design that is compliant with the K-7 Corridor Study Design Guidelines. These requirements include that architectural styles and themes must remain similar and harmonious throughout the development area and that individual, “corporate image” design may only be incorporated as secondary elements to the development. High quality-materials that complement surrounding development must be used.

## 6. Site Design Standards

The subject property is designated as Community Commercial Center on the Future Land Use Map of PlanOlathe and is therefore subject to **Site Design Category 4** (UDO 18.15.120). The following is a summary of the site design requirements:

- a. **Outdoor Amenity** – An outdoor amenity space for users of the property must cover at least 10% of the site area to enhance the public realm and promote pedestrian activity. Outdoor patios and a common green are proposed as amenity areas for Lots 1 and 2. Additional amenity spaces for the 7 outparcels will be provided with future development plans.
- b. **Parking Pod Size** – Development subject to Site Design Category 4 permits a maximum of 80 parking spaces in one parking pod. The largest parking pod on this preliminary site development plan is 42 stalls, therefore the plan is compliant with parking pod size requirements.
- c. **Pedestrian Connections** – Development in Site Design Category 4 must provide pedestrian connections from surrounding development, parking, and adjacent transit stops. Pedestrian connections will be provided from both Lone Elm Road and 119<sup>th</sup> Street to both conceptual multi-tenant buildings and the trail located to the rear of the buildings. Sidewalks will be provided along both sides of the interior drive and will connect to the proposed senior-living facility (RZ20-0010) immediately west.
- d. **Connectivity to Adjacent Driveways** – Development subject to Site Design Category 4 requires connections to driveways on adjacent properties where possible. The overall commercial center will provide a connection to the proposed senior living facility to the west, and the outparcels shown on this plan will provide cross-property connections as well.
- e. **Drainage Feature** – Open drainage and detention areas visible to the public must be incorporated into the design of the site as an attractive amenity or focal point. Due to the conceptual nature of the plans provided, details regarding the drainage/detention area as an amenity have not been finalized. Future preliminary and final site development plans will confirm the design of any drainage features as amenities for the development.

## 7. Building Design

The buildings shown on the preliminary site development plan are conceptual in nature and therefore building elevations have not been provided. At the time of revised preliminary site development plans for the proposed development, full, detailed color elevations compliant with the City’s architectural standards of the UDO and Building Design Standards of the K-7 Corridor Study will be provided.

## 8. Zoning Requirements

- a. **Maximum District Size** – The maximum district size in the C-2 District is 18 acres and the 16.4± acre property is compliant with this UDO requirement.
- b. **Building Height** – The maximum building height in the C-2 District is two stories or 35 feet. The proposed buildings on the subject property are conceptual in nature but will not exceed the maximum height established in the C-2 District.
- c. **Setbacks** – Parking and paving areas for developments in the C-2 District must be set back a minimum of 15 feet from street right-of-way and a minimum of 10 feet from adjacent property lines. The setbacks required by UDO, Section 18.20.120 are listed in Table 1, on the next page. Each building included on the preliminary site development plan complies with the required setbacks of the C-2 District.

**Table 1: Setback Requirements**

<i><b>Yard</b></i>	<b>UDO Requirement</b>
<i>Front Yards (minimum)</i>	15 feet
<i>Front Yards (maximum)</i>	150 feet
<i>Side Yards</i>	7 ½ feet
<i>Rear Yards</i>	7 ½ feet

## 9. Development Requirements

- a. **Site Access** – Access to the site will be provided from both Lone Elm Road at its intersection with 117<sup>th</sup> Street, and 119<sup>th</sup> Street, halfway between Sunnybrook Boulevard and Lone Elm Road. Each of these access points will be full access and they will be connected by a private drive internal to the site. The 24,500 square foot and 5,600 square foot multi-tenant commercial buildings will be served by parking lots that can be accessed from this internal private drive, while each commercial outlot will have separate access. Cross-property connections will be provided between the outlots, as is required by UDO, Section 18.15.120.D.
- b. **Landscaping** – Landscaping along arterial streets will be provided along 119<sup>th</sup> Street and Lone Elm Road, compliant with UDO, Section 18.30.130.L. Final site development plans for each individual parcel will provide required street trees along the internal private drive as required by UDO, Section 18.30.130. The western property line includes a shared drive connection, therefore a buffer is not required in that location.



A Type 5A buffer is required along the northern property line, per UDO, Section 18.30.130.J, however, the applicant is requesting a waiver as described in Section 10 of this report.

- c. **Parking** – Parking requirements for unspecified general commercial uses are based on the square footage of buildings on-site and are required at a rate of 1 parking stall per 300 square feet of gross floor area. Lot 2 includes a total of 201 parking stalls, which includes 8 ADA Accessible stalls. This parking lot will be a shared lot between the users of the two buildings on Lot 2 and the users on Lots 3 and 4. These four buildings total 46,100 square feet, and therefore a minimum of 154 parking stalls are required. The C-2 District also has a maximum parking allowance, which is 150% of the minimum parking requirement. Based on the minimum parking requirement of 154 stalls, the maximum in the C-2 District is 231 stalls, therefore, this proposal is compliant with parking requirements in the C-2 District.

Building square footages and respective parking ratios for each of the individual outlots will be provided at the time of future final site development plans and will comply with Section 18.30.160 of the UDO.

- d. **Public Utilities** – The property is within the City of Olathe Sewer and WaterOne service areas. A City sewer gravity main exists across 119<sup>th</sup> Street to the south and aligns with a proposed main through the subject property, which will connect to the proposed Lone Elm Senior Apartments to the north.

## 10. Waivers

The applicant is requesting a waiver from the Type 5A buffer requirement for the northern property line. Properties that are zoned C-2 require a Type 5A buffer when adjacent to property zoned R-4, (UDO, Section 18.30.130.J). Type 5A buffers are required to provide a minimum buffer width of 30 feet, with five shade trees, five evergreen trees, three ornamental trees, and 45 shrubs or ornamental grasses to be planted every 100 linear feet, with a minimum 11-foot tall wall and berm combination to be provided.

The subject property is encumbered by 50-feet of a Southern Star Gas Pipeline along the northern property line, adjacent to the existing R-4 property. Southern Star does not allow walls or berms to be constructed within this area, nor do they allow plantings that exceed three feet in height at maturity, therefore, the requirements of the 5A buffer type cannot be met in this location. The applicant has provided plantings including large species of evergreens and shade trees in a staggered row at the rear of the 24,500 square foot multi-tenant building, between the pavement and the gas pipeline easement as mitigation. Additionally, the applicant will provide plantings compliant with the gas pipeline company's maximum three-foot height requirement within the gas pipeline, and those plantings will be provided on the final site development plan.



*Location of gas pipeline easement (red) in relation to the property line (yellow)*

Staff is supportive of the waiver requested due to the existing condition of the property with the gas pipeline limiting improvements within it. Additionally, a staggered row of mixed planting species will provide a more inviting and walkable environment for residents of nearby communities who will use the 8-foot walking path to be provided within the gas pipeline easement.

#### **11. Neighborhood Meeting and Public Notice**

The applicant held a neighborhood meeting on October 15, 2020 with seven (7) residents in attendance. Main topics of discussion at the meeting included proposed uses on the property, road and sidewalk improvements in the area, and access to the subject property and overall site. The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per UDO requirements.

This application was continued from the November 9 Planning Commission meeting to allow the applicant additional time to address application requirements. A second neighborhood meeting was held on November 18 to gather additional insight from nearby residents, which four (4) residents attended, one of which attended the first meeting. Main topics of discussion at this meeting again included proposed uses and access to the site in addition to traffic signals, timing of development, and restrictions of the gas pipeline. Two residents at the neighborhood meeting expressed a desire to see fast food restaurants and bar and grill uses prohibited for the site due to the odor and sound produced.

Two residents provided staff with emails to be included in the Planning Commission packet. One resident was in agreement with the use prohibitions that staff is recommending, while another is requesting that additional uses be prohibited, such as uses related to purchase and consumption of liquor, fast food restaurants, grocery stores, big box retailers, entertainment businesses, tattoo parlors, and smoke shops. Staff spoke with this resident via the phone and explained staff's zoning and land use analysis. The resident appreciated staff reaching out and consideration of these uses being prohibited.

Both residents also expressed concern regarding traffic patterns and road improvements. One resident's main area of concern was regarding the mid-block access points to the future commercial development and believes that turn lanes and and/or stop signs would be helpful. Mid-block turn lanes along 119<sup>th</sup> Street will be provided with construction of the adjacent proposed senior living (RZ20-0010). The City's Access Management Plan requires turn lanes for all access points to the commercial development, when constructed. Another resident had concern with children's safety walking in the area. Staff responded to each resident, sharing information on future improvements with them.

Additional public correspondence we received requested copies of proposed plans and asked general application questions.

## **12. Comprehensive Plan Analysis**

The future land use map of PlanOlathe identifies the subject property as "Community Commercial Center". The C-2 (Community Center) District aligns with the Community Commercial Center future land use designation of the property, which feature a mix of tenants and are typically between 150,000 and 350,000 square feet in floor area. Typical tenants in a Community Commercial Center land use designation may include building hardware, apparel, booksellers, larger restaurants, and sporting goods stores. These centers tend to be pedestrian scale and are typically located along transit routes or intersections of prominent streets.

The criteria provided on the following pages are criteria for considering rezoning applications as listed in UDO Section 18.40.090.G.

### ***A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The subject property is proposed to be rezoned to the C-2 (Community Center) commercial district, which aligns with the future land use map designation of Community Commercial Center in PlanOlathe. PlanOlathe includes policies to achieve economic sustainability and to maintain the character of Olathe while promoting infill in buildable areas. The proposed rezoning and development plan aligns with the three policies of PlanOlathe listed below:

**Policy LUCC-1.1:** *"Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions."*

**Policy LUCC-5:** *"Develop commercial centers of an appropriate size and scale, and within the right locations, to ensure economic sustainability and shape community form."*

**Policy LUCC-6:** *"Discourage "leap-frog" or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas."*

***B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The property adjacent to the west is currently seeking rezoning to R-4 to accommodate a senior living facility. The property immediately to the north is zoned R-4 and is currently vacant but has a proposal for future age restricted apartments under review. Across 119<sup>th</sup> Street is a developing townhome neighborhood that is zoned RP-3 (Planned Low Density Residential Multifamily) District. These townhomes are one-story and are constructed of stone, brick, stucco, and siding. The density of this neighborhood, once fully built-out will be approximately 4.42 dwelling units per acre.

The property across Lone Elm Road includes two separate zoning districts: NC (Neighborhood Center) to the south, and RP-3 to the north. The property zoned NC is currently vacant, while the portion of the property that is zoned RP-3 is currently being developed with a mixture of single-family homes and twin villas. Building materials for this residential development primarily include stone and stucco, the density is approximately 4.63 units per acre, and the buildings vary between one and two stories in height with pitched roofs.

***C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.***

The property immediately to the north of the subject property, is currently zoned R-4 and has a pending site development plan for a senior apartment project. To the east is a vacant, approximately 10-acre tract of land which is zoned NC, and an existing low-density residential development which is zoned RP-3 and includes a mix of low-density housing types. The existing development across 119<sup>th</sup> Street is also zoned RP-3 and consists of a townhome subdivision. The property immediately to the west of the subject property is proposed to be rezoned from the existing CP-2 District to the R-4 District (RZ20-0010), to allow a senior living facility including independent living, assisted living, and memory care options.

The proposed rezoning from CP-2 to the C-2 District will continue to provide a transition from future high-density residential to commercial at the intersection of two arterial streets (119<sup>th</sup> Street and Lone Elm Road). The NC District immediately across Lone Elm Road to the east allows some lower intensity commercial uses, therefore, the northern half of the intersection of 119<sup>th</sup> Street and Lone Elm Road will be a commercial node which will serve the surrounding neighborhoods when it is developed.

***D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

The current CP-2 (Planned General Business) District allows a variety of commercial uses. However, the existing CTY RUR and AG zoned portions of the property are far more restricted in what can be developed. These two districts primarily allow for low-density residential uses, group living facilities, and agricultural uses. Low-density residential uses and agricultural uses are not suitable on the subject property as it is located at the intersection of two arterial streets. Locations such as this are generally more suitable for medium to high density residential uses and commercial uses. The

portion of the property that is zoned R-4, located at the northeastern corner along Lone Elm Road, is approximately 0.79± acres and includes a gas pipeline maintenance station on the property, which will remain. For these reasons, development of the property with a use that is allowed in the R-4 District is unsuitable for this property.

***E. The length of time the property has remained vacant as zoned.***

A two-story residence was constructed in 1969 which straddles the portion of the property that is zoned CP-2 and CTY RUR, which were zoned in 1998 and 2009, respectively. A small portion of the property to the northeast is was rezoned to the R-4 District in 2017 and has never been developed. The southwestern corner of the property has been zoned AG (Agricultural) since 1977 and has also never been developed. The rezoning in 1998 included a related preliminary site development plan for commercial uses on the property but was never developed.

***F. The extent to which development under the proposed district would substantially harm the value of nearby properties.***

The proposed rezoning to the C-2 District and related preliminary site development plan will not detrimentally affect nearby property values. The majority of the subject property is already zoned CP-2, which allows for a variety of commercial uses already. The rezoning of the property to the C-2 District will not have a major impact on the uses that are allowed in the area, but will instead update the development standards that the subject property would be required to follow and ensure that the entire area is governed under one zoning ordinance.

***G. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.***

The applicant will be constructing left and right turn lanes on Lone Elm Road at 117<sup>th</sup> Street, in addition to a right turn lane on 119<sup>th</sup> Street. When future development of the commercial center occurs, the applicant will coordinate with the City regarding required improvements to the 119<sup>th</sup> Street and Lone Elm intersection, including but not limited to geometric improvements and a traffic signal. Therefore, the proposed use will not adversely affect the capacity of the street network. The parking lot provided on site includes an adequate amount of parking stalls to serve the future development of Lots 2 through 4. Parking lots for the outparcels provided will be included with revised preliminary site development plans.

***H. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

The proposed development will comply with the requirements of Title 17 of the Olathe Municipal Code, and will not create air pollution, water pollution, noise pollution, or other environmental harm.

***I. The economic impact of the proposed use on the community.***

Future development of the commercial center will provide sales tax to the City upon its completion and will create new jobs for residents in the area.

***J. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

If the rezoning were denied, the applicant would be able to develop the majority of the subject property under the existing CP-2 District. The proposed development of a commercial center to serve the community is, however, not allowed in the CTY RUR, AG, nor R-4 Districts, all of which occupy a portion of the overall site. The rezoning of the CTY RUR, AG, and R-4 Districts would allow for the cohesive development of these parcels and allow a commercial center to serve the nearby residential communities. Additionally, the proposed zoning does not negatively impact the public health, safety and welfare as presented.

**13. Staff Recommendation**

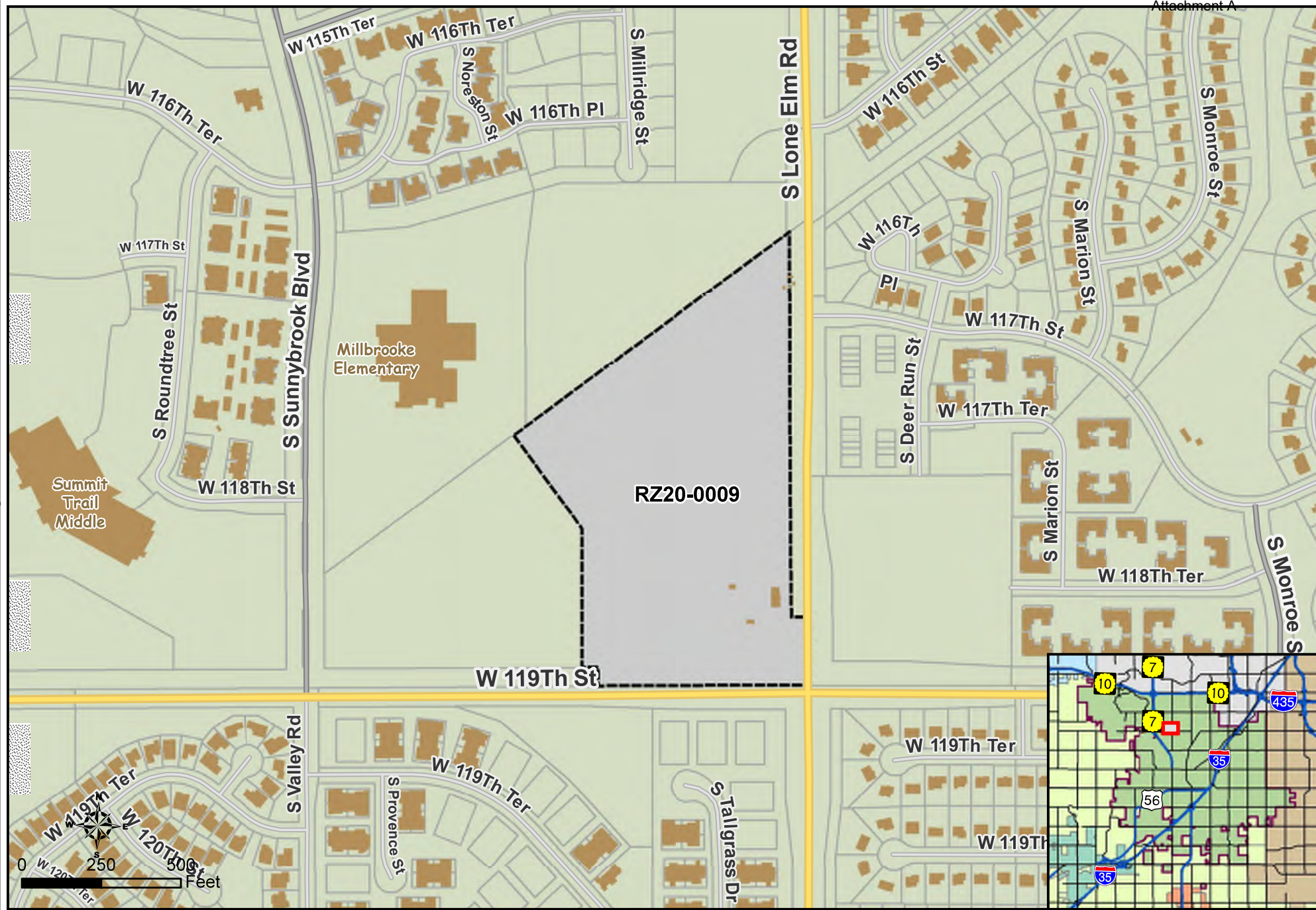
- A. Staff recommends approval of the rezoning to the C-2 District for the following reasons:
1. The proposed development complies with the policies and goals of the Comprehensive Plan for Land Use and Community Character (LUCC-1.1, LUCC-5, and LUCC-6).
  2. The proposed development aligns with the goals and policies of the K-7 Corridor Study and K-7 Corridor Design Guidelines.
  3. The requested rezoning to the C-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-2 District, with the following uses prohibited:
1. Distance restricted businesses, as listed in Olathe Municipal Code Chapter 5.43;
  2. Hotel, Boutique;
  3. Hotel/Motel;
  4. Convenience stores with or without Gas Sales;
  5. Gas Station;
  6. Auto Supply Store;
  7. Pawnshops; and
  8. Vehicle Services.

- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
1. Revised preliminary site development plan(s) for lots 3-9 must be submitted and approved prior to submittal of a final site development plan for those lots.
  2. Final site development plans must be submitted and approved prior to issuance of building permits for any lot within this development.
  3. A waiver is granted from the Type 5A buffer requirement (UDO, Section 18.30.130.J) along the northern property line, adjacent to the gas pipeline easement. Plantings, as approved by Southern Star, will be provided with final site development plan review.
  4. Development plans will adhere to UDO requirements and K-7 Corridor Design Guidelines, which include the following:
    - a. The internal transportation network shall be designed to accommodate all modes of transportation and must consist of a network of interconnecting streets and blocks with respect to the natural landscape. The internal transportation network shall provide alternate routes to every designation, diffusing automobile traffic and shortening walking distances.
    - b. Numerous linkages (both vehicular and pedestrian) between properties shall be incorporated into the design of development plans. Development plans that provide for minimal or no access to adjoining properties shall not be approved.
    - c. Parking lots shall be located where they are not visible from public streets or they shall be heavily landscaped and screened from view. Generally, building should be located closer to the street (street oriented) with parking lots located on the sides or rear of the building, or within parking structures.
    - d. Parking lot lighting shall be low level in nature with pole heights not to exceed a maximum of 25 feet. Light fixtures shall have a cutoff less than 90-degree or beveled prism type that directs light toward the ground to reduce off-site impacts. The average maintained foot-candles within the parking lots shall not exceed three (3) foot-candles, unless otherwise approved by the Planning Commission.
    - e. Fences visible from public streets shall be decorative in type or include exterior landscaping facing the roadway to minimize potential negative impact from extensive or monotonous rows of fences. Chain-link fencing shall not be approved.
    - f. All landscape areas shall be irrigated.
  5. A final stormwater management report will be required prior to building permits.
  6. All stormwater quality BMPs and detention basins must be in a Permanent Water Quality/Quantity Drainage or Tract.



RZ20-0009  
December 14, 2020  
Page 16

7. Street names will be finalized with approval of a final site development plan.



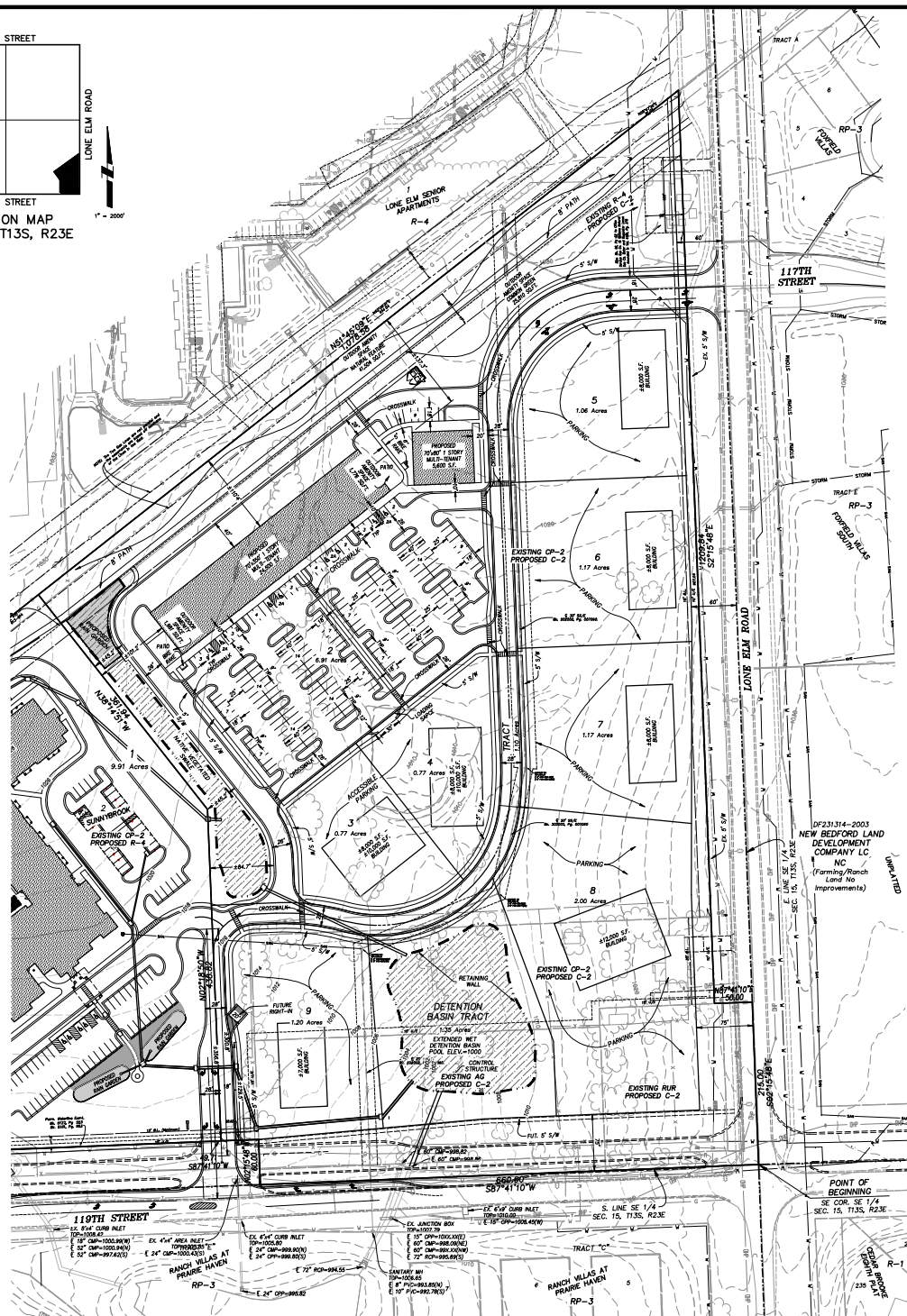
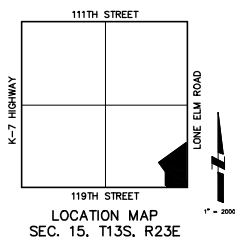
**SUNNYBROOK COMMUNITY COMMERCIAL CENTER**  
**RZ20-0009**



User: JaredMD  
Date: 12/1/2020





[illegible]

EXISTING ZONING:	CP-2/R-4/AG/RUR
PROPOSED ZONING:	C-2
MAXIMUM HEIGHT:	2 STORES/35 FEET
OPEN SPACE:	20% OF NET SITE AREA
FRONT YARD (MINIMUM):	15 FEET
FRONT YARD (MAXIMUM):	150 FEET
MAXIMUM BUILDING FOOTPRINT:	85,000 SQUARE FEET
SIDE YARD:	7-1/2 FEET
REAR YARD:	7-1/2 FEET
PARKING AND PAVING SETBACKS:	15 FEET FROM STREET RIGHT OF WAY AND 10 FEET FROM PROPERTY LINES

SITE DESIGN CATEGORY:	4
GROSS AREA:	19,232 ACRES/837,745.92 SQ.FT.
ARTERIAL RIGHT-OF-WAY AREA:	8,832 ACRES/123,361.9 SQ.FT.
NET AREA:	16,400 ACRES/774,384.0 SQ.FT.
PROPOSED BUILDING:	2 CONCEPTUAL MULTI-TENANT
PROPOSED CONCEPTUAL MULTI-TENANT BUILDINGS AREA:	30,100.0 SQ.FT.
MULTI-TENANT LOT NET AREA:	6,910 ACRES/300,999.6 SQ.FT.

* PROPOSED CONCEPTUAL MULTI-TENANT BUILDINGS, PARKING, DRIVES, & SIDEWALKS AREAS:	166,097.1 SQ.FT. OR 55% OF MULTI-TENANT LOT
OPEN SPACE REQ. BASED ON 25% OF MULTI-TENANT AREA	1.728 ACRES
* OPEN SPACE AREA:	3.097 ACRES OR 45% OF MULTI-TENANT LOT
* OUTDOOR AMENITY SPACE REQ:	30,100.0 SQ.FT. OR 10% OF MULTI-TENANT LOT
* OUTDOOR AMENITY SPACE AREA:	71.07 ACRES OR 24% OF MULTI-TENANT LOT

**\*PARKING SCHEDULE DATA:**

MULTI-TENANT BUILDINGS AREA:	30,100.0 SQ.FT.
PARKING REQ:	UDO SEC. 18.30.160-2 1 PER 300 SQ.FT. 100 SPACES
PROPOSED CONCEPTUAL PARKING:	193 SPACES 8 ACCESSIBLE SPACES
<b>**TOTAL PARKING:</b>	<b>201 SPACES</b>

\*OUT PARCELS AND DETENTION TRACT ARE NOT TAKEN INTO CONSIDERATION  
OUT PARCELS WILL BE ADDRESSED ON AN INDIVIDUAL BASES AT TIME OF  
THEIR FINAL SITE DEVELOPMENT SUBMITTAL.

\*\*PARKING COUNT CALCULATIONS AREA BASED ON A COMBINATION OF THE MULTI-TENANT BUILDING AREAS AND OUT PARCEL LOTS 3 AND 4 POSSIBLE BUILDING AREAS.

LOTS 2, 3 AND 4 WILL UTILIZE SHARED PARKING. ACCESSIBLE PARKING SPACES AS WELL AS SOME LIMITED PARKING SPACES WILL BE SHOWN ON LOTS 3 AND 4 AT TIME OF FINAL DEVELOPMENT PLAN SUBMITTAL.

WHERE VISIBLE FROM A STREET, PARKING LOTS MUST BE SCREENED BY LANDSCAPING OR STREET WALLS BETWEEN THREE AND FOUR FEET IN HEIGHT.

NO MERCHANDISE WILL BE STORED OR DISPLACED OUTSIDE A BUILDING, AND NO EQUIPMENT OR VEHICLE OTHER THAN PASSENGER VEHICLES WILL BE STORED OUTSIDE A BUILDING.

SALE OF MERCHANDISE FROM A VEHICLE OR TEMPORARY STRUCTURE IS PROHIBITED, EXCEPT AS PROVIDED FOR BY TEMPORARY SALES AND EVENTS PERMIT OR CATERING OR FOOD TRUCKS AS LICENSED BY THE CITY CLERK.

ALL GROUND OR BUILDING MOUNTED EQUIPMENT, INCLUDING BUT NOT LIMITED TO MECHANICAL EQUIPMENT, UTILITY METER BANKS AND COOLERS, MUST BE SCREENED FROM PUBLIC VIEW WITH THREE-SIDED LANDSCAPING OR AN

ALL EXTERIOR-MOUNTED AND ALL ROOFTOP BUILDING HVAC AND MECHANICAL EQUIPMENT, VENTS, PIPING, ROOF ACCESS LADDERS, AND UTILITY METERS MUST BE LOCATED OUT OF VIEW OR OTHERWISE SCREENED FROM PUBLIC VIEW FROM ALL ADJACENT STREETS AND RESIDENTIALLY DEVELOPED OR ZONED PROPERTIES. SCREENING MUST BE ACCOMPLISHED WITH LANDSCAPING, SCREEN WALLS, BUILDING ELEMENTS, OR A COMBINATION OF THESE METHODS.

R/W	DENOTES RIGHT-OF-WAY
ST	DENOTES NORTH POST
FM	DENOTES FIRE HYDRANT
WV	DENOTES WATER VALVE
WT	DENOTES WATER TOWER
PP	DENOTES POWER POLE
LT	DENOTES LIGHT POLE
AC	DENOTES AIR CONDITIONING UNIT ON CONCRETE
FF	DENOTES FINISHED FLOOR ELEVATION
DO	DENOTES DRIVE
FR	DENOTES FREIGHT OPTICS
CV	DENOTES CURB CAVES
SP	DENOTES SPRINKLER CONTROL VALVE
MH	DENOTES MANHOLE
MP	DENOTES MOTOR PARKING SPACE
W	DENOTES WATER LINE
S	DENOTES SANITARY SEWER LINE
U	DENOTES UNDERGROUND POWER LINE
OV	DENOTES OVERHEAD POWER LINE
TL	DENOTES TOLL ROAD
U	DENOTES UNDERGROUND TELEPHONE LINE
U	DENOTES UNDERGROUND GAS LINE
SL	DENOTES STREET LIGHT LINE
EX	DENOTES EXISTING CONDITIONS
EX	DENOTES EXISTING BUILDING LINE
OV	DENOTES OVERSIGHT

Prepared By: Payne & Brockway Engineers, P.A.  
P. O. Box 128  
Olathe, Kansas 66051  
913.799.1000

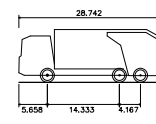
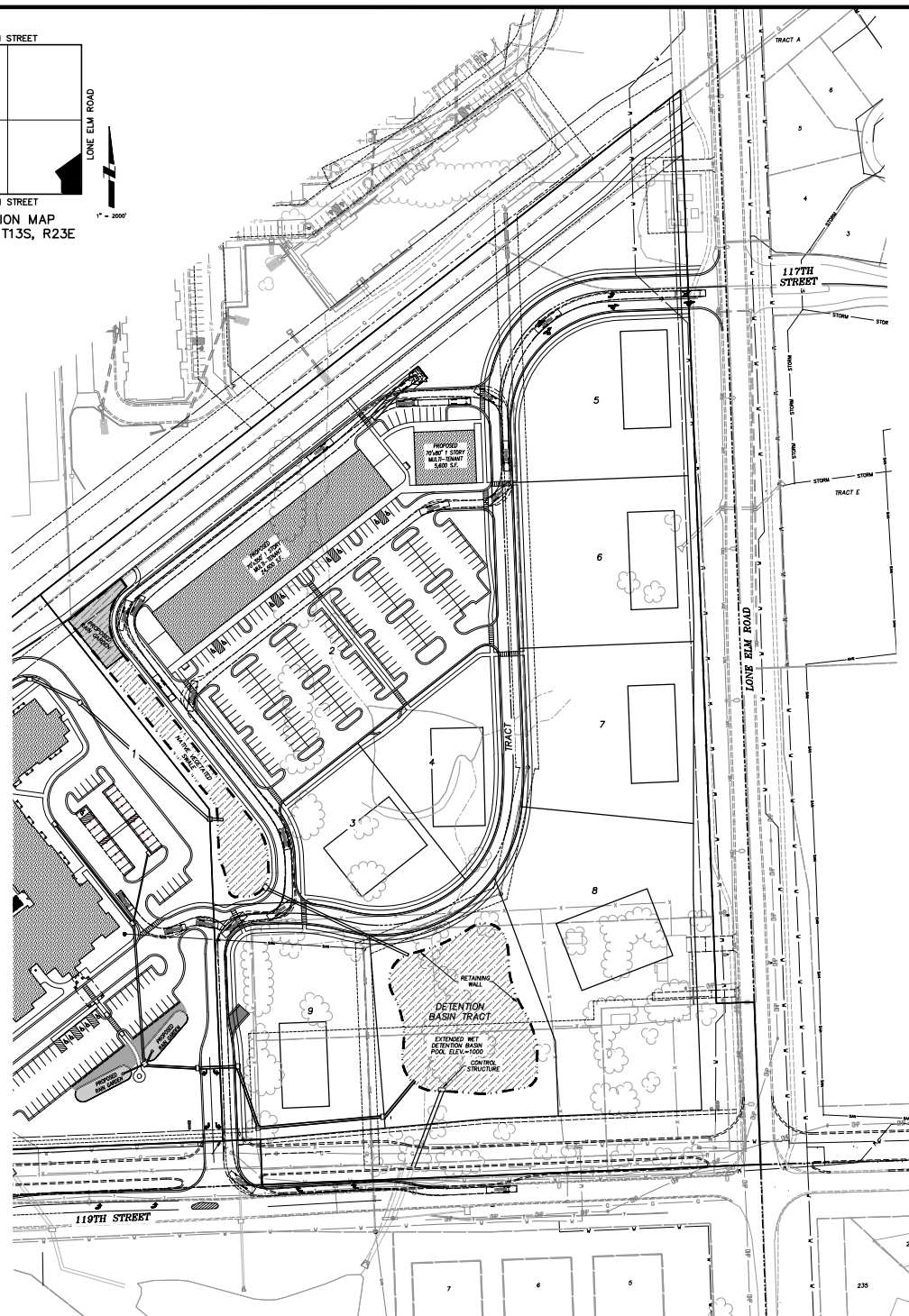
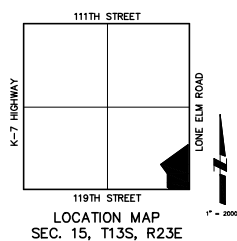
Prepared For: McKinzie Asset Management  
Company, LLC  
c/o Kurt Kuhlmann  
12248 W 128th Street  
Overland Park, Kansas 66213

Date Prepared: September 18, 2020

REVISED			
NO.	DATE	DESCRIPTION	BY
1	10/19/20	CITY COMMENTS	CIA
2	12/02/20	CITY COMMENTS	CIA
3			
4			
5			
6			

**9/18/20**

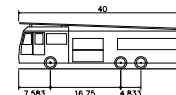
**PDP2**



Mack TerraPro Low Entry 6x4 LEU 613 + Wayne Phoenix III 25Yd

Overall Length	28.742ft
Overall Width	8.000ft
Overall Body Height	10.481ft
Min Body Ground Clearance	1.111ft
Track Width	8.000ft
Lock-to-lock time	6.00s
Curb to Curb Turning Radius	34.000ft

N.T.S.



E-ONE HP100 Aerial


Overall Length	40.000ft
Overall Width	8.333ft
Overall Body Height	11.000ft
Min Body Ground Clearance	1.393ft
Track Width	8.333ft
Lock-to-lock time	6.00s
Max Wheel Angle	45.00°

N.T.S.

- |  |   |
|--|---|
|  | DENOTES PROPOSED BUILDINGS              |
|  | DENOTES PROPOSED CONCRETE               |
|  | DENOTES EXISTING DETENTION BASIN        |
|  | DENOTES RE-ESTABLISHED VEGETATED SWALE  |
|  | DENOTES ROCK MULCH FILTER STRIP         |
|  | DENOTES PROPOSED CURB                   |
|  | DENOTES PROPOSED SIDEWALK               |
|  | DENOTES PROPOSED STORM                  |
|  | DENOTES PROPOSED SANITARY               |
|  | DENOTES PROPOSED WATERLINE              |
|  | DENOTES PROPOSED FIRE HYDRANT           |
|  | DENOTES FIREHOUSE PATH                  |
|  | DENOTES EXISTING CURB                   |
|  | DENOTES EXISTING SIDEWALK               |
|  | DENOTES EXISTING STORM                  |
|  | DENOTES EXISTING SANITARY               |
|  | DENOTES EXISTING WATERLINE              |
|  | DENOTES PARKING SPACE COUNTS            |
|  | DENOTES ACCESSIBLE PARKING SPACE COUNTS |



NORTH  
1" = 60'



0 30 60

- |     |   |
|-----|---|
| R/W | DEMOTES RIGHT-OF-WAY                          |
| DN  | DEMOTES DRAIN POST                            |
| FH  | DEMOTES FIRE HYDRANT                          |
| WM  | DEMOTES WATER VALVE                           |
| WM  | DEMOTES WATER METER                           |
| PP  | DEMOTES POWER POLE                            |
| DL  | DEMOTES LIGHT POLE                            |
| AC  | DEMOTES AIR CONDITIONING UNIT ON CONCRETE PAD |
| FF  | DEMOTES FINISHED FLOOR ELEVATION              |
| FO  | DEMOTES FORM DRAIN                            |
| FO  | DEMOTES FINISH OPTICS                         |
| FO  | DEMOTES FOOTCOP AREA                          |
| SCV | DEMOTES SMOKE/CONTROL VALVE                   |
| WM  | DEMOTES MANHOLE                               |
| DN  | DEMOTES DRAIN/POD PARKING SPACE               |
| WM  | DEMOTES WATER LINE                            |
| DN  | DEMOTES DRAIN/SEWER LINE                      |
| USE | DEMOTES UNDERGROUND POWER LINE                |
| USE | DEMOTES OVERHEAD POWER                        |
| G   | DEMOTES UNDERGROUND TELEPHONE LINE            |
| DN  | DEMOTES UNDERGROUND GAS LINE                  |
| DN  | DEMOTES UNDERGROUND STREET LIGHT LINE         |
| HL  | DEMOTES EXISTING CONTOURS                     |
| DN  | DEMOTES EXISTING BUILDING LINE                |
| DN  | DEMOTES OVERLAP                               |

Prepared By: Payne & Brookway Engineers, P.A.  
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Olathe, Kansas 66051  
913-782-4800

Prepared For: McKinzie Asset Management  
Company, LLC  
c/o Kurt Kuhlmann  
12248 W 128th Street  
Overland Park, Kansas 66213  
913-962-6990

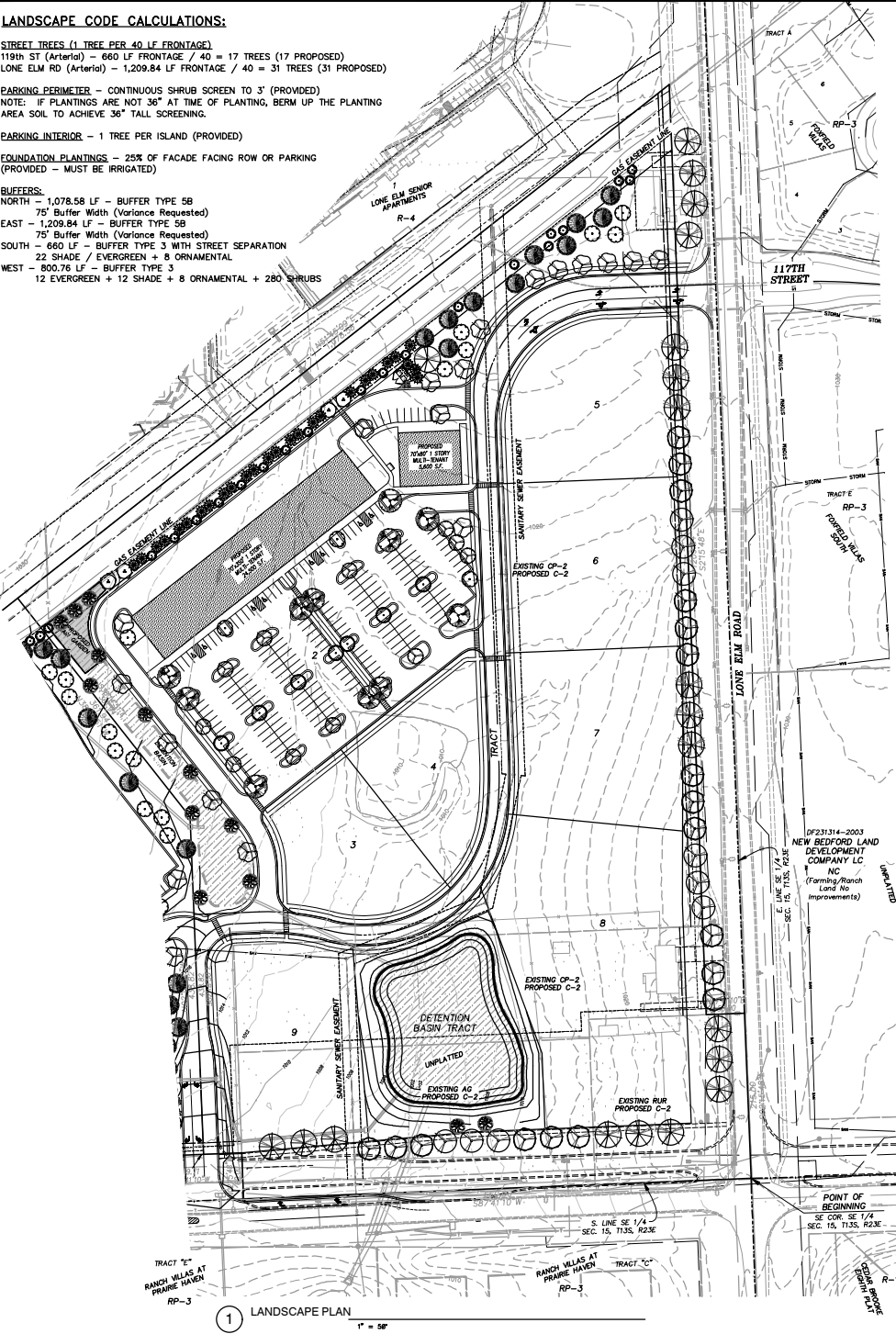
Date Prepared: September 18, 2020

LANDSCAPE CODE CALCULATIONS:

STREET TREES (1 TREE PER 40 LF FRONTAGE)  
119TH ST (Arterial) - 660 LF FRONTAGE / 40 = 17 TREES (17 PROPOSED)  
LONE ELM RD (Arterial) - 1,209.84 LF FRONTAGE / 40 = 31 TREES (31 PROPOSED)  
PARKING PERIMETER - CONTINUOUS SHRUB SCREEN TO 3' (PROVIDED)  
NOTE: IF PLANTINGS ARE NOT 36" AT TIME OF PLANTING, BERM UP THE PLANTING AREA SOIL TO ACHIEVE 36" TALL SCREENING.  
PARKING INTERIOR - 1 TREE PER ISLAND (PROVIDED)

FOUNDATION PLANTINGS - 25% OF FACADE FACING ROW OR PARKING (PROVIDED - MUST BE IRRIGATED)















BUFFERS:  
NORTH - 1,078.58 LF - BUFFER TYPE 5B  
75' Buffer Width (Variance Requested)  
EAST - 1,209.84 LF - BUFFER TYPE 5B  
75' Buffer Width (Variance Requested)  
SOUTH - 660 LF - BUFFER TYPE 3 WITH STREET SEPARATION  
22 SHADE / EVERGREEN + 8 ORNAMENTAL  
WEST - 800.76 LF - BUFFER TYPE 3  
12 EVERGREEN + 12 SHADE + 8 ORNAMENTAL + 280 SHRUBS



LANDSCAPE PLAN NOTES:

- Existing underground (u/g), overhead (o.h.) utilities and drainage structures have been plotted from available information and therefore, their locations must be considered approximate only. It is the responsibility of the contractors to verify existence and location of all utilities before starting any work.
- No substitutions for variety or cultivars shall be accepted without first obtaining written approval from Owner's Representative.
- All plant material shall be of excellent quality, free of disease and infestation, and true to type, variety, size specified, and form per American Nursery Association Standards (x60.1).
- All planting beds (including parking lot islands with shrub and ornamental grass plantings) shall receive 3" minimum of shredded hardwood mulch as detailed, unless otherwise noted. In landscape beds, mulch shall be a consistent 3" depth throughout. For trees planted in turf areas, a ring of mulch shall be formed into a saucer in a minimum ring twice the diameter of the rootball from the trunk. Elevation of top of mulch shall be 1/2" below any adjacent pavement.
- Contractor shall thoroughly water in each plant immediately following installation.
- Contractor shall be responsible for calculating all areas of sod and seed and the amounts of each needed for optimum coverage. Quantities on this plan are for reference only.
- Contractor shall install sod in all areas labeled as such on this plan. Sod shall be locally grown and consist of 90% turf-type tall fescue blend with at least 3 varieties of turf-type tall fescue and 10% bluegrass. Source and sample shall be approved by Landscape Architect prior to delivery to site and installation. Sod shall be watered regularly until established and not allowed to dry out.
- Contractor shall install seed in all areas disturbed during construction not otherwise designated as another material. Seeded areas greater than 4:1 slope shall have erosion control blanket installed over the seed and fastened with sod staples, per manufacturer's recommended spacing. Seed shall be Excalibur Turf-type Tall Fescue Blend (or approved equal) applied at recommended seeding rate for new lawns. Starter fertilizer shall also be applied at time of seeding that contains a moisture management agent in it.
- Proposed trees shall not be placed over existing or proposed utility service lines or utility easements. It is the contractor's responsibility to understand utility locations and have them marked during tree planting operations. If utility is damaged during planting, contractor is responsible for notifying the general contractor and owner of utility and paying for repair of the damaged utility.
- A fully automated irrigation system will be supplied for this project by the Contractor. Design shall be provided by the contractor and approved by the Landscape Architect prior to ordering materials or installing any aspect of the irrigation system. Irrigation system shall consist of: top, backflow, smart controller, heads, pipe, valves, wire, flow sensing, weather station, and any other feature to give the most efficient and comprehensive system as deemed necessary by the Owner and Landscape Architect. System shall cover all areas designated as turf or landscape beds. Turf, trees and shrubs shall all be on separate zones so they can be watered at different rates. Submit all irrigation plans to the Landscape Architect for approval.
- No trees shall be planted within 15 feet of a street or parking lot light pole.
- All land area which is not paved or covered by buildings will be brought to finished grade, and planted with turf.
- At least one-third of plantings must be evergreen species.
- Plant materials must be placed intermittently along exposures of building walls, fences, and other barriers to create a softening effect.
- Trees must not be placed within utility easements, but within adjacent areas that do not conflict with such public easements and meet site landscaping requirements.
- The developer, its successor and/or subsequent owners and their agents will maintain landscaping on the property on a continuing basis for the life of the development.
- Plant materials which exhibit evidence of insect pests, diseases, and/or damage must be appropriately treated. Dead plants must be promptly removed and replaced.
- The property owner will maintain landscape areas in good condition and in a way that presents a healthy, neat and orderly appearance. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, in accordance with acceptable horticultural practices.
- All exterior-mounted and all rooftop building HVAC and mechanical equipment, vents, piping, roof access ladders, and utility meters must be located out of view or otherwise screened from public view from all adjacent streets and residentially developed or zoned properties. Screening must be accomplished with landscaping, screen walls, building elements, or a combination of these methods.
- All ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, must be screened from public view with three-sided landscaping or an architectural treatment compatible with the building architecture.
- All landscape areas must be provided with a readily available water supply with at least one (1) outlet within 100 feet of the plants to be maintained. The use of nonpotable water for irrigation purposes will be encouraged.
- Irrigation systems must be continuously maintained in working order and be designed so as not to overlap water zoned, or to water impervious areas.
- No irrigation system will be installed or maintained abutting any public street which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.
- The height of any plantings used for screening must be at least the height of the equipment it is proposed to screen at the time of planting.

PLANT SCHEDULE COMMERCIAL

	<b><u>EVERGREEN TREE</u></b>	<b>CODE</b>	<b>QTY</b>	<b><u>BOTANICAL NAME</u></b>	<b><u>COMMON NAME</u></b>	<b><u>SIZE</u></b>	<b><u>CONTAINER</u></b>
		JT	3	Juniperus virginiana 'Taylor'	Taylor Juniper	6' H.	B&B / Cont.
		PA	10	Picea abies	Norway Spruce	6' H.	B&B / Cont.
		TP	27	Thuja plicata 'Green Giant'	Green Giant Arborvitae	6' H.	B&B / Cont.
	<b><u>ORNAMENTAL TREE</u></b>	<b>CODE</b>	<b>QTY</b>	<b><u>BOTANICAL NAME</u></b>	<b><u>COMMON NAME</u></b>	<b><u>SIZE</u></b>	<b><u>CONTAINER</u></b>
		AT	4	Acer tataricum 'Hot Wings'	Hot Wings Tatarian Maple Clump	6' H.	B&B / Cont.
		CC	10	Cercis canadensis	Eastern Redbud	1" Cal.	B&B / Cont.
		CJ	7	Cornus controversa 'June Snow-JFS'	June Snow Dogwood	1" Cal.	B&B / Cont.
		QN	20	Quercus robur x bicolor 'Nadler'	Kindred Spirit Oak	1" Cal.	B&B / Cont.
	<b><u>SHADE TREE</u></b>	<b>CODE</b>	<b>QTY</b>	<b><u>BOTANICAL NAME</u></b>	<b><u>COMMON NAME</u></b>	<b><u>SIZE</u></b>	<b><u>CONTAINER</u></b>
		AU	11	Acer truncatum x planifolius 'JFS-KW187'	Urban Sunset Maple	2.5" Cal.	B&B
		QB	17	Quercus bicolor	Sweep White Oak	2.5" Cal.	B&B
		TM	13	Taxodium distichum 'Mickelson' TM	Shawnee Brave Bald Cypress	2.5" Cal.	B&B
		UJ	11	Ulmus americana 'Jefferson'	American Elm	2.5" Cal.	B&B
	<b><u>STREET TREES</u></b>	<b>CODE</b>	<b>QTY</b>	<b><u>BOTANICAL NAME</u></b>	<b><u>COMMON NAME</u></b>	<b><u>SIZE</u></b>	<b><u>CONTAINER</u></b>
		AF	9	Acer x freemanii 'Jefferson' TM	Autumn Blaze Freeman Maple	2" Cal.	B&B / Cont.
		GE	20	Gymnocladus dioica 'Espresso'	Espresso Kentucky Coffee-tree	2" Cal.	B&B / Cont.
		UF	18	Ulmus x 'Frontier'	Frontier Elm	2" Cal.	B&B / Cont.

SHRUB PLANTING NOTE:

1. Shrub layout will be provided at FDP submittal.

SPECIAL OLATHE SCREENING NOTE:

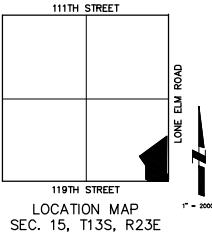
1. Contractor shall screen to full height all wall and ground mounted utility boxes or panels from visibility.

RAIN GARDEN PLANTINGS:

Cornus alba / Ivory Halo Dogwood  
Iris versicolor / Blue Flag Iris

DETENTION BASIN PLANTINGS:

Panicum virgatum / Switchgrass



Prepared By: Chad D. Weinand, Landscape Architecture  
1517 W. 157th Terr.  
Olathe, Kansas 66062  
913-484-3738  
Prepared For: Mokizle Asset Management Company, LLC  
c/o Kurt Kuhlmann  
12248 W 125th Street  
Overland Park, Kansas 66213  
913-962-6950  
Date Prepared: September 15, 2020



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Landscape Architecture  
15173 W. 157th Terrace, Olathe, Kansas 66062  
913-484-3738 | cweinand@kdgmail.com  
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20-0017C

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Civil Engineers & Land Surveyors  
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Olathe, Kansas 66062  
Ph: 913.982.4800 Fax: 913.982.0907  
www.Payne-Brockway.com

SUNNIBROOK COMMERCIAL  
119TH ST. & LONE ELM RD.

PRELIMINARY SITE DEVELOPMENT PLAN - LANDSCAPE PLAN

NO.	DATE	REVISIONS	DESCRIPTION	BY	CHK
1	10/19/20	1	QTY REVIEW	COM	
2		2	QTY REVIEW	COM	
3		3	QTY REVIEW	COM	
4		4	QTY REVIEW	COM	
5		5	QTY REVIEW	COM	
6		6	QTY REVIEW	COM	
7		7	QTY REVIEW	COM	

PRELIMINARY - NOT FOR CONSTRUCTION

9/18/20

LP-1





# **Payne & Brockway, P.A.**

**CIVIL ENGINEERS & LAND SURVEYORS**

Attachment  
MARK HUBBARD, P.E.  
GERALD CONN, L.S.

CARMAN G. PAYNE, P.E. (1892-1963)  
S.H. BROCKWAY, P.E. (1907-1989)  
LEE MEIREIS, R.L.S. (1933-2010)  
ED YOUNG, P.E., R.L.S. (1936-2011)  
MIKE HOWELL, R.L.S. (RETIRED)  
JOHNNY RAY, R.L.S. (RETIRED)

December 3, 2020

Zachary Moore, Planner II  
Planning Department  
City of Olathe  
P.O. Box 768  
Olathe, KS 66051-0768

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

Dear Mr. Moore:

On Thursday, November 18, 2020 at 7:30 pm a neighborhood meeting for the Rezoning & Revised Preliminary Site Development Plan for Sunnybrook Commercial was held via a Zoom meeting. Notices were mailed on November 3, 2020 with the information to sign into the meeting at the scheduled time.

The following are the neighbors that attended the meeting:

BELLASSAI, ANGELO BELLASSAI, SUSAN 11640 S DEER RUN ST OLATHE, KS 66061	HARMELINK, DENNIS D HARMELINK, NELLIE L 21830 W 119TH TER # 1503 OLATHE, KS 66061	GREG FOSS 21264 W 115 <sup>TH</sup> TERRACE OLATHE KS 66061
VOTYPKA, MICHAEL E. 21702 W 119TH TER # 1101 OLATHE, KS 66061		

Todd: We are here to conduct a neighborhood meeting for the Rezoning of an existing commercial property to a different commercial zoning and layout from what it was previously approved in 1998. This plan was shown at another neighborhood meeting last October and there have not actually been any changes to the layout that was presented in October. The reason for the neighborhood meeting and the answer to Mike V's question, the change in the date of the Planning Commission was to correct a procedural error on our part. The new neighborhood meeting and the case going from the Planning Commission meeting that was supposed to be in November to the December 14 Planning Commission meeting.

However, for the people that were not at the previous neighborhood meeting, I give a summary. This is a 19 acre commercial property that is being rezoned mainly to clean up some inherent zoning that was changed from commercial to residential to accommodate the development to the north of this site, which is the Lone Elm Senior Apartments, along Lone Elm Road and also there were some partials on the south of this property at 119<sup>th</sup> & Lone Elm that were in the county at the time this was initially brought into Olathe. Those areas are being cleaned up and brought out of county zoning into commercial zoning for the City of Olathe. This project is also associated with the site to the west which will be the Senior Living Community. They will be going in together. There was a previous meeting regarding that earlier this evening. Like I said, this meeting is about the 19 acre site. If you take in account the road right-of-way, the shared detention basin for the commercial as well to the senior site to the west, that leaves

426 SOUTH KANSAS AVE. OLATHE, KANSAS 66061 PH: 913.782.4800 FAX: 913.782.0907 WWW.PAYNE-BROCKWAY.COM

KANSAS SOCIETY OF PROFESSIONAL ENGINEERS • KANSAS SOCIETY OF LAND SURVEYORS • AMERICAN COUNCIL OF ENGINEERING COMPANIES  
MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS • MISSOURI SOCIETY OF PROFESSIONAL SURVEYORS • NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

20-0017C

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 2 of 9

approximately 16 acres for the commercial site which also includes the access road that would be right through there (as pointed out on the plans) access off of 119<sup>th</sup> and Lone Elm. The drive will line up with 117<sup>th</sup> Street on Lone. Like I said this is to clean up commercial sites to get the residential zoning, multi-family residential zoning in the northwest corner (as pointed out on the plans) and the parcels along the south and east on the site plan, that were in county zoning brought to commercial. This is essentially a conceptual plan. We do show some multi-tenant buildings and associated parking, but as it relates to the out parcels, we do not have any idea what those specific uses are going to be or what they could look like. The development would come in the future, based on the developer's comments at the previous meeting, it could be 5 to 8 years before they build out these commercial parcels/lots.

Like I said, there have been no changes to the site. I will open it up if you guys have any questions or concerns. Before turning over to questions, I would ask that you would please state your name and address and if you have any further questions just state your name. We have Linda Gerber from our office who is going to be putting together summaries from the meeting and it is important that we have accurate information, who asked the questions so we can give those to the City of Olathe. If anyone has questions, I will open it up to the floor.

Todd: Sorry a couple more comments. If needed I can zoom into the areas shown on the plans, so you can see better.

At the previous meeting we did not have the landscape plan, it was not completed in time for the meeting but since it has been done. Again, this is a conceptual landscape plan based on what we are showing today. As the out parcels develop there will be more landscaping than what is shown for those out parcels, out parcels being the lots on the east and south side of the plan and these two. Here is the landscape plan so you can see what is proposed. I give a quick description. There will be street trees along the arterial right-of-way and scattered along the common property line with the senior living as well as what trees could look like in a parking lot if it were built as shown. As well as buffers along the rear and the north. Again, as the out parcels come in, they would be required to meet planting requirements for the City of Olathe. Alright, please proceed with questions.

Mike V: A couple questions address is:  
Has there been any changes from with the original design in terms of commercial development?  
Any restrictions put on those, like no fast food, no liquor establishments, and things like that, or is that something that is going to go before the Planning Commission next month?

Todd: There has been discussions regarding restrictions on the property currently. The discussions have been with the developer and the City regarding identification for some various uses, but nothing has been determined. That will be presented with the Staff's final report for the planning commission on December 14, 2020.

Mike V: Now who make that determination? Does that come with the planning commission or does it come before? What is the process for that?

Todd: The planning staff works with the applicant to determine the different uses based on what is allowed in the commercial zoning and what other restrictions might apply based on additional



City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 3 of 9

studies in the area, such as the K-7 Corridor Study or the Woodland Corridor Study. Once those have been determined and agreed on, they are resented to the Planning Commission in the Staff Report. If the developer doesn't agree with some of the restrictions they have the opportunity to discuss that with the Planning Commission or if adjacent property owners are concerned about some of the uses, as a property owner you have the opportunity to come forward and share your concerns as well.

Mike V: So, we really address the Planning Commission in telling our objections to any misuse of the property on the commercial level, right?

Todd: Yes, that would be correct. If there is something you do not agree with or you still have a concern about it is in your right to bring that up at the Planning Commission meeting. The staff report will be available online to retrieve or you could contact the planning department to get the staff report. They typically have those ready the Thursday or Friday before the meeting. This should give you the opportunity to view the staff report.

Mike V: It is my understanding that there is only going to be 1 light signal at 119<sup>th</sup> and Lone Elm and not at either of the access roads, is that correct?

Todd: Yes, that is correct. They typically don't put traffic signals at those immediate intersections unless for some reason the traffic absolutely warrants it, but based on the traffic study signals are not warranted at 117<sup>th</sup> & Lone Elm or at 119<sup>th</sup> Street and the access road coming into the senior site and the commercial site.

Mike V: Is there any opinion about whether that is going to cause a problem with traffic either in the morning when school is convening over at Meadow Lane and Summit Trail.

Todd: There was not any indication that that would be a problem in the traffic study. It has been noted in the traffic study, which the City of Olathe agrees with, that at the time these connections are made at Lone Elm and 117<sup>th</sup> Street and 119<sup>th</sup> Street and the access road (as shown on plans) that there will be improvements to the roads. Currently, the access road associated with the senior site, improvements to 119<sup>th</sup> Street are being proposed. We are widening the road to create a right turn lane into the site as well as a left turn lane into the site. That is the extent of the improvements on 119<sup>th</sup> Street. 117<sup>th</sup> Street and Lone Elm, at the time the commercial comes in, it will be required to add a right turn lane southbound and a left turn lane northbound into the commercial site. I could see some discussion about an addition of a left turn lane southbound onto 117<sup>th</sup> Street but would not be the responsibility of this development.

Mike V: What impact is the senior living home north to that area going to have on any of this development?

Todd: There will be no impact to this site to the senior living apartments to the north. The senior apartments will have no access to this development along the northwest property line (pointed out the location on site plan). Their access does not show up on this plan, there was a new entrance installed probably last year on the west side of Lone Elm and that is their access.

Mike V: Yes, by the 115<sup>th</sup> or something like that.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 4 of 9

Todd: Might be 116<sup>th</sup> Terrace

Kurt: 116<sup>th</sup> Street

Dennis: What would be the size of the senior center?

Todd: When you say size do you mean the square footage?

Dennis: No will it be 1 level or 2 levels?

Todd: The senior site, it is hard to see on this plan, but you can see a portion on the southwest side of the plan. The easterly side and the northerly side of the senior site will be 3-stories and it will look like an apartment building. The front portion (pointing out on plan) right through this area all the way along the westerly and southerly face will all be a 1-story building and the rooftops are set up to look more like houses. They will look more like a residential roof instead of a commercial type roof.

Susan Susan Bellassai, my address is 11640 S Deer Run Street  
Our house is just east of side of the development. My question is from what I see on your drawing the access to those commercial out lots would be from the road inside of the development not from Lone Elm or 119<sup>th</sup> Street, is that correct?

Todd: That is correct. The access for these parcels along Lone Elm, including the one in the corner, will be by this interior road (pointing out on plan).

Susan: Thank you.

Greg: Greg Foss, I live at 21264 W 155<sup>th</sup> Terrace, I am on the board for Fox Field Court.  
Couple of questions because I went to the City and you described a 19-acre tract, I thought that was west of the pipeline and this was a 10 acre. I am trying to clarify between what is west of the pipeline and this development that is east of the of the pipeline. This is a 2010 project right, that is at the City?

Todd: I am not familiar when you say a 2010 project

Greg: That is the rezoning number.

Todd: Yes RZ20-0010, I am sorry I thought you meant the year 2010.

Greg: No not the year 2010. At the city's website it shows CP-2 going R-4 medium density for 9.91 acres and you described a 19 acres site.

Todd: The 9 acres, basically 10 acres, 9.9 acres is going from CP-2 to R-4 and is right along here (pointing out on plan).

Greg: That is the senior site with 3-story buildings.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 5 of 9

- Todd: Correct that is senior site. This meeting is a 19-acre site. I will show you the outline, the boundary for the commercial site goes along the northwest to Lone Elm, then south on Lone Elm to 119<sup>th</sup>, then west to the shared drive and north to the northwest line.
- Greg: This is backing up to the pipeline, right?
- Todd: Yes, this is a Southern Star pipeline that crosses through here, it's a cross-country pipeline.
- Greg: Lets go there at the moment, because when the senior apartment came in there was an access point on the southwest side of that development that would eventually tie into this site, so is that being taken out?
- Todd: Yes, there was a connection that was coming across, it is not going to be allowed because it is within Southern Star's easement, and they don't want vehicle access across their pipeline.
- Greg: That doesn't make since to me when you have got 119<sup>th</sup> Street crossing it, you have Lone Elm crossing it and you got one way in and on way out on the senior apartments. I got up and spoke at the planning commission meeting when that went in and I understand that the city fire department and codes say it is ok but, there was going to be a future connection to a development for emergency purposes as well as having access more than one way in and one way out made since with future development and having a connection. So, for the developer say that he just can't get an easement across Southern Star pipeline doesn't make any since to me, because it can be done.
- Todd: You are correct the public streets cross it, so it has been done. However, Southern Star limits crossings that go across their easements. We are very familiar with this particular gas pipeline, it cuts through the county basically from a northeasterly to a southwesterly direction with varies bends once in a while. We have had numerous developments associated with this pipeline where we had got approval for connections across it, but then when we were actually ready to make them, Southern Star denied the connections across their pipeline because of the integrity issues it could create with the pipeline. I understand what you are saying about Lone Elm and 119<sup>th</sup> Street, some of those roads were in place before Southern Star even came into the area or very near at the same time. I've lived in this area for 50 plus years and I know those roads have been in place for as long as I can remember, some of them possibly before my lifetime. I understand what you are saying, it is just that crossing into the other site is difficult to do with the limitations Southern Star wants, avoiding additional crossings as much as possible.
- Greg: I understand and you telling me that the developer for the apartments is also the developer of this senior facility that you are putting here?
- Todd: No, the developers are different people. I do not know who did the senior apartments at Lone Elm at all. I have no idea, but they are different developers.
- Greg: Ok, when you described the 3-story building and you see the parking lot here for the building next to it, what is that building.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 6 of 9

Todd: This building right here? That is a concept of a multi-tenant building, it could be one use or multiple uses it depends on how they divide it.

Greg: So, it is commercial?

Todd: Yes, it is commercial but again this conceptual. There is a chance the building could change, it could end up being separate buildings at the time they are built. According to the developer or property owner for this site, he does think that commercial will be 6 to 8 years at least before it comes in.

Greg: So, this drawing what is the size of that and the number of parking spaces that are on this drawing?

Todd: That building is 24,500 sf and then there is another one that is 5,600 sf but the parking count is more than what this building would require. Again, this is just a conceptual layout, and this could completely change when these came in. The parking lot is bigger than what these buildings need, it is like this to accommodate these smaller out parcels. These out parcels are not typically large enough to accommodate a building and the parking. It is being proposed that the multi-tenant buildings and whatever buildings would go on lots 3 and 4 would share this parking. We currently show 201 spaces in this parking lot. But again, that is more than what is required for these 2-building combined, it is taken into account for shared parking with lots 3 and 4, if that makes since.

Greg: Ok. Sorry I have one more question, I am now thinking about the development that would be west of the pipeline vs this being east of the pipeline, isn't that part of this rezoning, because there was a rezoning sign over there, basically across the street from the new middle school?

Todd: That is 2 different zonings, let me see if I can draw this on the plan, which might help. The red line I drew is the zoning that is across from the middle school, it is going from CP-2 to R-4 and this zoning (Todd's is showing them on the drawing) is going from AG, RUR, CP-2 and R-4 to C-2. There are four notification signs on these properties, 1 along Lone Elm for the Sunnybrook Commercial, 1 along 119<sup>th</sup> Street for the commercial, another one on 119<sup>th</sup> Street for the Senior Living the C-2 to R-4, and the one you said was right across from the middle school is also C-2 to R-4 senior site.

Greg: So, is there a connection on that where the stop light is by the middle school is there going to be another road connection into this side.

Todd: Yes, there is a connection on Sunnybrook Boulevard, which is right in/right out. If you were wanting to leave the senior site onto Sunnybrook Blvd. you can only go north or if you were on Sunnybrook Blvd. and you wanted to get to the senior site you can only turn right. This is because of the median that was constructed on Sunnybrook Blvd. north of 119<sup>th</sup> Street. I can't remember the name of the other street to the north of island, maybe 117<sup>th</sup> Terrace. That's the other street that the middle school access.

Greg: So, is that not cross the pipeline someday?

Todd: No, it does not cross the pipeline.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 7 of 9

Greg: Ok, I disagree

Todd: entrance to Sunnybrook Blvd is south of the pipeline, but Sunnybrook Blvd obviously crosses the pipeline but not the entrance. The senior site and the commercial site are all on the southerly side of the pipeline. They will not cross it anywhere along the pipeline from one property to another.

Greg: Ok, that is the clarification I was looking for. Todd, one more question. The senior complex here, what type of care will it have available there?

Todd: They will have, we are getting a little off subject as this neighborhood meeting is about the commercial site, but I can share with you the senior apartments. There will be 91 apartment units, they will have 44 assisted living units and 16 memory care units. Real quick, so you can get a better idea and since we have been talking about it, even though it is a little bit of subject, let me open it. Hopefully, this helps you to understand Greg. If you look this is the senior site. You can see the connect with the commercial site that we are talking about and here is that connection we were talking about on Sunnybrook Blvd.

Greg: That I couldn't see on the drawing that I got sent to me, so that is helping me.

Todd: Again this is that shared drive for the commercial and the senior site. Hopefully, that will help out a little bit more?

Greg: Yes, this is part of the drawing I didn't see.

Todd: Since this is the commercial site plan, we don't typically show additional information much further than a couple hundred feet or so. The west side of the senior site is a further than what we show.

Greg: I understand, I am just trying to clarify for where I may need to go after I move from the Villa I have and what is available to us and what is built across the street.

Todd: If you guys have any interest you could send us an email and we give you the connect information. I am sure they would take some preorders.

Greg: No, I have to take of the one I have already. One more question, you mentioned some dates and what I saw at the city that it had been moved to December 10, is that still accurate? What is the date for the Planning Commission?

Todd: December 14 and the city should accommodate in person, but may be limited. I would assume you will probably wait in the vestibule until seats open up. They will also be available virtually, similar to this meeting that you can watch.

Alright does anyone else have any questions? Like I said the meeting is on December 14 and you guys will have the opportunity to come and voice any concerns. The staff report should be available the Thursday before, if not then most likely it will be the Friday before. If you have any question between now and then feel free to contact us and we will do our best to answer any questions you might have.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 8 of 9

Dennis: One more question, what is the timing of the senior center.

Todd: If I remember correctly they are looking to get plans submitted middle to late spring, depending on approval timing, starting construction maybe in the summer. It would be a late 2021 opening, potentially depending on weather and other issues it could be early 2022.

Denise: Ok thank you.

Todd: One clarification, as you guys are all aware there has been construction activity on the site, particularly a sanitary sewer along this area by the proposed access road to accommodate the senior apartments that are to the north. There is also going to be some other construction going on, just moving around some soil and stripping some things off in preparation of the development but that probably won't take place until January, maybe end of December. As everybody knows with the holidays and everything, it makes it tough to do a lot towards the end of December. So most likely it will be January before you see these additional activities.

Kurt: Some of that dirt work will probably commence in the next couple of weeks. Just to finish up cleaning from that sewer stuff. So, there will be some construction that is cleaning out some mucked areas from the sanitary sewer construction. I do not want people to be alarmed because the two dates don't coincide with each other.

Todd: Thanks Kurt. Kurt is the current owner of the property. I had forgot about that, there was some dirt piles and trees they had to tear down for the sewer. As Kurt mentioned, they will be coming in and cleaning up these areas. Kurt had cattle on this property, and they want to get this shaped back up so that they can bring their cattle back in on the commercial property in this area.

Alright does anyone have any other questions or comments?

Mike: How soon can we expect that there might be any commercial development on that corner?

Todd: Based on the comments that Kurt had last October and what we have been discussing, he does not anticipate any of the commercial to developed probably for 6 to 8 years. I think one of the big driving forces for the commercial, since 119<sup>th</sup> Street does not go through to the east, it makes it difficult for commercial to come in. At least until there is a bridge over the railroad tracks and the creek that is further east of the site.

Mike: You are talking about 119<sup>th</sup> Street and going to Northgate.

Todd: That is correct, east of Woodland. 119<sup>th</sup> Street ends at Woodland and until it is pushed through and tied in on the east side of the railroad tracks and the creek it makes it difficult for commercial develop out here.

Mike: Ok, thank you.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

December 3, 2020

Page 9 of 9

Todd: I think Kurt could attest to that, on lone Elm and College Blvd to the north, commercial took awhile to develop, it did not really start flourishing until they improved the connection between Woodland & Ridgeview.

Mike: Yes, got that. Thank you very much for everything, you are very open and doing a great job.

Todd: I appreciate, and I want to thank you guys for participating, it is always a benefit for the developer and the city when people participate. I think you need to be commended that you took the opportunity to be involved in the process. It is very appreciated from all stand points.

Kurt: I appreciate the input as well.

Submitted by:

Payne & Brockway, P.A.



Todd Allenbrand





# ***Payne & Brockway, P.A.***

**CIVIL ENGINEERS & LAND SURVEYORS**

Mark Huggins, P.E.  
Gerald Conn, L.S.

Carman G. Payne, P.E. (1892-1963)  
S.H. Brockway, P.E. (1907-1989)  
Lee Meireis, R.L.S. (1933-2010)  
Ed Young, P.E., R.L.S. (1936-2011)  
Mike Howell, R.L.S. (Retired)  
Johnny Ray, R.L.S. (Retired)

October 22, 2020

Zachary Moore, Planner II  
Planning Department  
City of Olathe  
P.O. Box 768  
Olathe, KS 66051-0768

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

Dear Mr. Moore:

On Thursday, October 15, 2020 at 7:30 pm a neighborhood meeting for Olathe Senior Community was held via a Zoom meeting. Notices were mailed on October 8, 2020 with the information to sign into the meeting at the scheduled time.

Todd Allenbrand with Payne & Brockway opened the meeting with a description of what this meeting was to discuss the proposed Commercial and Preliminary Development Plan at 119<sup>th</sup> and Lone Elm Road on the northwest quadrant. While we are waiting on others to join the meeting, he let everyone know that there will be a short presentation and when they are done the attendants are free to ask some questions. If you do ask any questions please state your name and your address as we need to write this down and supply it to the city staff a summary of the meeting and if you ask any additional questions please state your name we would appreciate that. On the call will be Kurt Kuhlman, property owner, and from Payne & Brockway, Mark Huggins, Principle Engineer, myself Todd Allenbrand, Project Manager, and Linda Gerber who will be putting together a summary of the meeting.

The following are the neighbors that attended the meeting:

DIETRICH, MICHAEL J. 21429 W 116TH ST OLATHE, KS 66061	VOTYPKA, MICHAEL E. 21702 W 119TH TER # 1101 OLATHE, KS 66061	FRY, JEFFREY D 21403 W 116TH PL OLATHE, KS 66061
ROBB, RON 21381 W 119TH TER OLATHE, KS 66061	ADAM MICKELSON CITY OF OLATHE	BARE, TAYLOR R SAUER, SARAH E 21361 W 119TH TER OLATHE, KS 66061
SMITH, AVIS L 21384 W 117TH TER OLATHE, KS 66061		

Todd: This project is at the northwest quadrant of 119<sup>th</sup> Street and Lone Elm Road. This is a proposed commercial development that consists of about 19 acres of commercial site but when you eliminate the road right-of-way on Lone Elm and 119<sup>th</sup> Street and take into account of the detention basins, storm water quality features we put in and the interior shared drive reduces the site to approximately 15 acres. A large lot that consist of a proposed multi-tenant building with parking which is shown in the northwest corner and 7 additional out parcels that range from  $\frac{3}{4}$  of an acre to 2 acres that will be used for various retail developments. This plan is being proposed to the City of Olathe to clean up some of the surrounding zoning or the zoning within it, getting some county parcels included

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 2 of 14

into the zoning and to rezone an area that had been zoned to residential for future senior apartments to the north, which you can see a portion of those in the northeast corner north of the multi-tenant building. This is what we would consider more of a conceptual plan. The actual buildings will be introduced as final development plans come to the City of Olathe. We are showing a proposal to the City of what we expect the land layout to look as it develops. This also in conjunction with another property that you can see off to the west side or left side of the sheet which is a senior living residential facility that consists of approximately 151 units a combination of assisted living, senior apartments and memory care. These cases are going through at the same time. I think that is pretty much the high-level discussion about the site. I will have Kurt Kuhlman, the owner, he can give you more history and what is going on with the site. He has been involved since the conception in the late 1990's.

Kurt: As Todd said this is a parcel that originally was made up of approximately 47 acres and over time that has kind of changed, the elementary school to the north of the gas pipe line was built, a new facility for independent senior living apartments was approved north of the pipe line and this is the parcel of ground that is south of the gas pipe line west of Lone Elm and north of 119<sup>th</sup> Street. In the original plan, that was approved back in 1998, there was going to be about 300,000 square feet of retail in this area. As everyone has been aware over the last, especially over the last year there has been considerable change in how retail is being developed and its size. The K-7 corridor now is focusing more on smaller commercial developments instead of larger big box type developments so this really just kind of fine tunes a proposed circulation that the city would like to see in conjunction with the senior apartments. This now has paired down, as Todd said, to approximately 30,000 square feet of retail and then some pad sites. We are also going to be handling some regional detention for these two facilities and the elementary school to the northwest but, there is not a specific timetable as to when any of this retail will be developed. This is more than anything, as Todd said, we are cleaning up some parcels that were originally in the county that had no zoning that we had acquired right on the very corner. There used to be a house on the corner of 119<sup>th</sup> Street and Lone Elm. There was another parcel that was zoned R-4. The city requested that we clean up all of this and get all the zoning consistent on this remaining piece so that in the future it will be a lot easier for the development to occur without having a lot of the headaches with trying to get zoning cleaned up at that time.

Todd: I also wanted to point out that with this rezoning and preliminary development plan, Kurt has decreased the amount of commercial that was originally approved with the initial Sunnybrook Development in the late 1990's.

I think that is about all. There is not much to it since it is pretty cut and dry. We will open it up for questions and again if you would please state your name and address and then moving forward if you have any additional questions state your name again. Feel free to ask your questions.

City of Olathe Planning Department  
Zachary Moore, Planner II  
RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009  
October 28, 2020  
Page 3 of 14

Jeff Fry, 21403 W 116<sup>th</sup> Place:

Todd: Are you north of this property?

Jeff: It is to the east, there is 117<sup>th</sup> Street at the top right and we are just west in that new development right there on the corner.

Just curious a little more about to the right/left of Lone Elm you got these areas 5, 6, 7, and 8, what are those going to be?

Kurt: Those are just planned to be out parcels so that there could be either restaurants, medical offices or those types of individual users on pad sites. I mean we don't have anything specifically earmarked on those lots yet, but these are kind of the size those types of users whether it is a fast food, dental office, another medical office. Up on the north end we just got done seeing a Taekwondo Office go in on a lot like these. It will be similar to what is up there. I think that is the size of pads are for, or you could potentially see a Walgreens or CVS on a lot like one of these.

Jeff: Has there been any discussion about a traffic light being needed in the area there?

Todd: We had a traffic study prepared for this development and the traffic engineers results stated that the facility falls within an acceptable range of traffic, for the commercial site. The study did indicate that at 119<sup>th</sup> and Lone Elm intersection today, not even taking into account this development nor the proposed senior living facility to the west which is over here on the sheet, you can see part of it. That intersection today warrants a traffic signal. The city is aware that in the current conditions the state of the surrounding ground, the outlying properties, there needs to be a traffic signal installed on that intersection. When that would be planned, we can't answer that. This would be something you would have to discuss with or communicate with the city, but that is what the traffic study indicated.

Jeff: Ok, and then those little lots that you talked about 5, 6, 7 and 8, would the entries to those be off that side street or off Lone Elm?

Todd: All the drives going into the lots, they would access the common drive that is right through this area (to the west on exhibit). This commercial development the four parcels, the Detention Basin Tract (to the south), which will serve this whole area including the senior living facility site, the other lot on the corner and two smaller lots, that would share the parking with this proposed multi-tenant building, will all access the common drive.

Jeff: Ok, thank you.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 4 of 14

Mike V: I live in the Ranch Villas across the street down on 119<sup>th</sup> Street. My biggest concern is not with the development of individual parcels and stand-alone units, it is just the kind of unit that might go in. Objection being to be anything that might reek of fast food odors, which anytime you go around a corner that has a McDonalds or a Burger King you are always going to get that fast food smell and it just drifts and especially with the wind are here in Kansas that is almost going to be permanent. What is to prevent anything like that from going in as opposed to say a medical office or a strip mall or something like that?

Kurt: At this particular time, Mike there wouldn't be anything based upon what that zoning is out there. And again, we don't have anything specifically earmarked for any of these lots. We don't know at this time what the particular individual uses would be. The uses potentially would be whatever is allowed in the C-2 zoning, it is going to fall within whatever the city jurisdiction would be for C-2 zoning. That is currently what the zoning is on the property.

Mike V: It shows existing CP-2 and proposed C-2. What is the difference between the two?

Kurt: The difference is when this was planned in the late 1990's the city had a zoning classification called a commercial planned which was a CP, they no longer have CP it is just straight C. And you have different levels I believe of the commercial zoning its C-1, C-2 and C-3 and Todd can probably better address what those codes are, but this currently has a CP-2 zoning and with cleaning up these parcels the city will change that zoning to what is currently in place with will be C-2 zoning.

Mike V: What is the time frame for a development to take place?

Kurt: There is no particular time frame right now. A lot of that will be based on traffic. We have found and what our studies have shown, until some point in time when 119<sup>th</sup> Street continues east of Woodland. The chances of the retail development will probably not occur until there is some time frame it or timetable designated on it. It takes traffic to handle something like this. You have been out there for awhile you can see how long it has taken for the development on the north end to develop. It finally didn't start taking off, and it has been slow, but it did not start taking off until College Boulevard was continued on through and the new bridge was built over the train tracks some 5, 6, 7 years ago. Unless there is just an explosion of growth out in this area, I don't see this happening any time in the next 5 or 6 years I would think at the very soonest.

Mike V: But as far as the entire corner apparently the street or access road and the senior development will go in in the next couple of years and what will be the state of that corner will look like. Will it be undeveloped, or will it be all wooded or fields what will it look like?

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 5 of 14

Kurt: It will probably not have a significant amount of change from the way it looks now other than we just did the sewer main extension to handle the apartments to the north and the senior living project that is proposed. That sewer main has been extended for that. Other than cleaning up and building the detention for the senior living facility, we will probably try to get this thing back to a point that we can put cattle back out there for a while.

Mike V: My wife would love that.

Kurt: It is a function of how easy it will be for us to maintain fences. When you put livestock in, sometimes, they have a tendency to not want stay. We have had times before when they like to take a victory lap before they get moved out of there. That victory lap may be greater than the area than which they are fenced.

Mike V: You said it was going to be natural, does that also go for parcels 3 and 4 that are on the west side of the access road.

Kurt: Basically, we will probably come in make sure if we can get back to where we can put livestock in there or planting crops. Everything from the east, where the access point to the senior facility comes in, it will come to a point and we will have some fencing a gate or something there to keep access and from there everything where the proposed building, parking and all of those pad sites all of that will be in its current agrarian state.

Mike V: Oh, ok so the access road will not go all the way through.

Kurt: No, at this point and time the plan for the access road to be built up to provide access for the senior development and then nothing for the rest. One of the requests from the city on this facility was to be able to see how traffic could, in the future, flow through this site between Lone Elm Road and to 119<sup>th</sup> Street. That is part of what we are providing here for them, to show we believe the circulation will work. This is kind of what they have requested, what we did for it to work and handle the traffic that they perceive to be there in the future.

Todd: Bear with me for a minute I might be able to show you. This drive is only going to be built like this (drawing on the lower left corner Todd marked with drawing showing where/how the drive will be built) if that makes sense. This other area, parcels 3 and 4 the road along the south and east including the other parcels 8, 7, 6 and 5 will not be developed with the commercial until at the earliest as Kurt mentioned maybe 5 to 6 years. What will be built along the primary area will be the basin to west of the senior facility, the basin to the north, which will be constructed to a point, but not necessarily to function for the water quality portion. That will be required with the commercial. The other basin (across the street) would be constructed on the commercial development or the commercial property, but it's function of the senior living site as well. The basin closer to 119<sup>th</sup> Street will be a

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 6 of 14

wet bottom detention basin, it will be similar to the pond you have in your community that is south of 119<sup>th</sup> Street, which in fact works as an enmity function for not only the senior living facility but as well as the commercial site.

Mike V: I have another question, apparently 119<sup>th</sup> Street does already have some paved access in and it terminates right at the bend, is that for the senior apartments above or will they have a different access into their area?

Kurt: They come off 116<sup>th</sup> Street.

Todd: Mike you can't quite see it, but that area to the northwest, their road continues on north and then curves back to Lone Elm and is in line with 116<sup>th</sup> Street to the north. That is where they access their site.

Mike V: Is that 116<sup>th</sup> or 115<sup>th</sup>?

Kurt: 116<sup>th</sup>, if you have been up there, there is a new street that has been stubbed in on the west side of Lone Elm.

Mike V: Ok, I was just up there today and went down that street and it was 116<sup>th</sup> Street.

Kurt: Yes

Mike V: 117<sup>th</sup> has not been cut in yet on the west side.

Todd: That is where the commercial access road would tie in opposite the intersection of the 117<sup>th</sup> & Lone Elm.

Mike V: But that is not there yet.

Todd: Right

Kurt: Just to give you a little history on this, originally when they were doing the senior apartments to the north, 117<sup>th</sup> Street was going to be the point of access. We had some significant issues with the gas pipeline company and actuality did not want us to cross the pipeline with a road, so that is why the road for the senior apartments was moved up to 116<sup>th</sup> Street. This road here will be only for this future retail and the senior care facility south of the pipeline.

Todd: Mike, just so you understand what Kurt is saying, the access road (drawing on plan Todd marked where/how the drive was proposed) to the north of the commercial pods was supposed to run to the east for the access to the senior apartments. The gas company did not want them to cross with the road so that is why they moved their entrance to the north

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 7 of 14

and that is why we are rezoning the corner to the north back to commercial, because it was rezoned from commercial to residential zoning, now we are taking it back to commercial.

Mike V: Now the existing building that services gas pipeline is that just north of 117<sup>th</sup> Street.

Kurt: Yes

Todd: That is why we don't have anything planned for this area and it is just a green space, because we can't really do anything up there. Also to point out, along the north property line, right through here at the northwest of the drawing there is a continuation of a trail that connects with the senior living that will run from Sunnybrook Boulevard to Lone Elm Road. There will be access to the commercial site as well as senior living from the trail. People, when this gets constructed, can access it from the public sidewalks and they can walk through from here to there.

Mike V: Is that going to be done with the senior living project or is that going to terminate down by the senior living?

Todd: It will be constructed with the senior living to a point on the northeast corner and will terminate. It then will not get built until the commercial development proceeds.

Kurt: Part of that Todd, I know on the senior apartments that is north of the pipeline, they also are going to be tying into that, the is kind of a recreation easement that is being developed along the gas pipeline that will either be partially from the commercial, partially for the senior apartments to the north and also from the senior care center to the west, all of those will participate in building that pedestrian easement that will go down through there for sidewalks and whatever they eventually be putting in there. They will all be part of it.

Mike Deitrich, 21429 W 116<sup>th</sup> Street:

I am just above there, but I have the invitation to be here. I just want to clarify the two pieces of the senior living, the one in the bottom left in the diagram, that is designed speculated to be a senior living facility.

Todd: Yes, that is being proposed at the same time with this. They are going in together. It is going to be senior apartments, approximately 91 senior apartments, 44 assisted living apartments and 18 memory care units. I think the difference is the senior apartments that would be west of Lone elm, I think those are all just planned as senior apartments, where these down on the southwest are for a whole function of senior uses.

Mike D: The one on the north end is that sort of across the fence of the elementary school? Is it that far north and west?



City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 8 of 14

Kurt: Yes, Mike the senior apartments that are independent living are north of the gas pipeline they basically go up to the elementary school, that's how far over they would go. Those are going to be independent age restricted senior apartments. The other project that we are working on down here, that will be a full continuum of care, it will be everything from independent living to assisted living to memory care, it is more of an entire facility. The other one is solely independent living.

Mike D: The other question I have you address these, and I appreciate addressing the traffic situation on 119<sup>th</sup> Street, does that exclude a light at 117<sup>th</sup> Street? Does that mean if we put one in on 119<sup>th</sup> Street which I agree with it is a stronger more heavily used but would that exclude one on 117<sup>th</sup> Street?

Todd: Mike, the city typically doesn't install lights at what would be midblock connections, unless it is warranted by a traffic study. 117<sup>th</sup> Street would be that type of connection and the traffic study indicated that the traffic doesn't warrant a traffic light at that intersection. However, the traffic study did indicate that when the commercial development goes through, to alleviate issues such as traffic backing up on Lone Elm, there will have to be a right turn lane installed for a movement into the commercial developments access road. There will also be a left turn lane off Lone Elm to turn into the commercial developments access road. These will help with traffic going north and south bound from being impeded by people wanting to go into the site.

Mike D: Thank you.

Ron, 21381 W 119<sup>th</sup> Terrace

I have a question, I have 2 young daughters one at the elementary school and one at the middle school that will eventually go to the high school and either school they are at the are walking by and around all of this proposed building here and for example on the south side of 119<sup>th</sup> on both sides of Lone Elm there is not even a sidewalk there for the kids to get to school so, for this to be proposed and there is not even a sidewalk there for my kids, I am really concerned when you say that there is nothing preventing a restaurant from going in or for example you mention the area north at College and Lone Elm that it would be something similar to that, well they put a bar and grill across the street from a high school that has outdoor music that I can hear at my house let alone smell the food but what is in place to prevent this from happening across the street from my house?

Todd: Currently I know there is an existing sidewalk on the west side of Lone Elm that terminates at 119<sup>th</sup> Street, I am not sure on the east side of Lone Elm.

Ron: There is nothing on either side.

Todd: There is a sidewalk on the east side of Lone Elm.

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City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 9 of 14

Kurt: There is a sidewalk on both sides of Lone Elm.

Ron: Not by 119<sup>th</sup>.

Todd: You are correct, that is what I am getting at, down at 119<sup>th</sup> Street on the southeast corner of the sheet on both sides. I am not familiar with what is on the east side but on the west side it terminates somewhere near that corner. What is proposed as construction takes place, for example the senior living facility is going to move forward, after this approval, the sidewalk on the north side of 119<sup>th</sup> will be constructed to the termination of the project. This would be somewhere along the south property line of Lot 9 and the detention basin tract, but it won't be continued along the commercial.

Ron: That is fine there are sidewalks out there but there are no sidewalks on my side of 119<sup>th</sup> and this proposal is going to expand that area where there is more traffic, more activity and my girls will be walking by this area for the next decade and I don't hear anybody talking about crosswalks. There needs to be a traffic light there as you guys have mentioned especially for these kids walking to and from 3 different schools from the south side of 119<sup>th</sup> Street and there is nothing stopping them from putting a bar and grill in there. Do I understand you correctly?

Kurt: What can go in there is what is allowed in that particular C-2 zoning.

Ron: Can you educate me as to will a bar and grill be allowed?

Kurt: I believe that is an acceptable use in that particular zoning classifications, yes.

Ron: Who would I need to talk to going farther up the chain on that subject?

Kurt: That is something that you would probably need to speak with city staff about.

Ron: Ok, I will take care of that. I have another question for you what are the height limitations on these buildings going in here, are they going to put in a 6 or 8 story building that is going to block a lot of the view we currently have or will they be short 2 and 3 stories?

Todd: There won't be any building that are allow 6 stories or even 5 stories like you said. There could potentially be a few 2 stories building possibly, again that will depend on the use and that might be more limited to potentially like a doctors building or something where they might have some offices tied to it. For the most part these are just going to be a single-story building that you would typically see around a commercial area in the neighborhood, height wise would range anywhere from 20 to 25 feet.

Kurt: I think in the cities notes they indicated a maximum height would be like 35 feet.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 10 of 14

Todd: Yes, and typically those might be a feature on the corner of the building.

Kurt: They might have an architectural feature on the building, but the city indication would exceed 35 feet in height and that would not be a consistent height all the way across.

Ron: Now I know this coming up to where your proposed construction going to be, but do you have any idea if they are going to expand and put sidewalks and stuff on Lone Elm south of 119<sup>th</sup>?

Kurt: I don't know exactly what the cities plans are. I know that most of the development that has occurred from 119<sup>th</sup> Street north, at that time all of those were done, there were different requirements that determined the condition of Lone Elm north of 119<sup>th</sup> Street. I'm not sure if it will be different south of 119<sup>th</sup> Street.

Ron: That is clear

Kurt: So as all these various developments to the north the city required implementation of improvements along Lone Elm, in fact there were actual what they called Benefit Districts that were created that the land owners on either side paid to improve the roads as development occurred there. I don't know exactly what the circumstances were south of 119<sup>th</sup> Street why there were not but that would be something you can take up with the city as to what needs to be done there for the improvement of roads, because I agree I have some relatives that live south of there and there is a significant change of the scenery in terms of the lay of the roads south of 119<sup>th</sup> Street as opposed to the north.

Todd: Ron, I would say your best option for contacting the city is to contact public works regarding their plan for improvements for Lone Elm south of 119<sup>th</sup> Street.

Mike V: When the elementary school first went in we objected the fact that south Lone Elm south of 119<sup>th</sup> wasn't going to be improved and we found out it wasn't in the Capital Program for a number of years and I would not expect, even though I am not familiar with what the current plans are. I would not expect that they would be putting in any sidewalk in until they put a 4 lane or 3 lane and improve that road between 119<sup>th</sup> & 127<sup>th</sup> Streets.

Todd: I would agree Mike, I think everybody is aware, we are getting a little bit off subject on talking about south of our project, everybody would agree that Lone Elm is a challenge from a design stand point with the hills and the ravines that run across it. I know it is partially that, the utilities that are in place and existing houses. I know it is a little bit of a challenge. If people are concerned about it, the best route to go is to contact public works and see if you can get some information from them. They can communicate with you on that point.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 11 of 14

Adam M: I am on the City Council for Ward 2, so this is my ward. Ron, Todd is speaking correctly the sidewalks would most likely go in with the road construction and unfortunately, I can tell you that it is not on 5-year list for CIP currently. It is on the list of things that need to be improved but it did not make the funding line. We have very limited funding and a fairly large city to spread those funds out so, it is on my radar because I know it is a need, I live relatively close as well, but it is currently not funded. It would be part of that widening and approving of Lone Elm south of 119<sup>th</sup> Street.

Todd: I would just like to thank you Adam for getting on. I appreciate you taking the time out of your busy schedule to share your thoughts and the interest you took in the project.

Adam: I will add that if anyone has questions that you want routed to City Staff just send them to me my contact information is on the City Council portion of the website. You could just email that, and I can route them to the correct person if the is better for you Ron or anyone else on the call.

Ava Smith 21384 W 117<sup>th</sup> Terrace:

I just want to echo my concern that Mike and Ron both shared about food establishments going in any of Lots 5, 6, 7, 8, and 9. It is one thing to have a doctors office going into those areas, it is something completely different to have fast food or another bar and grill like Austin's down around the corner of College and Lone Elm so Adam I would appreciate knowing the guys on the call up to now are saying that they have no control over that, that is basically city zoning and yet somehow the city has approved or will approve this entire plan. So, I would like to know how we get more control over what goes in those lots right along Lone Elm and 119<sup>th</sup> Street.

Todd: As Kurt mentioned, this commercial development first phase could be 5 or 6 years out, at the point it proceeds on there will be another process where the surrounding neighbors would have the opportunity to interject. As a plan develops for each one of the out parcels, they will have to take those through the city. There will be an opportunity at that point to discuss your concerns. As Kurt mentioned, this is more of a conceptual to demonstrate to the city how traffic will be handled, removing direct access off of Lone Elm onto the out parcels and into the commercial as well as tying the proposed senior living together to function together interiorly. Avoid having traffic out on to Lone Elm or 119<sup>th</sup> Street but allowing traffic to be able to migrate between the 2 facilities.

As I mentioned these out parcels will develop individually and there would be an opportunity at that point to address your concerns. The summary of this meeting is being prepared; the city will be aware of everybody's concerns when we submit the summary.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 12 of 14

Ava: Ok good, I just want to be sure that we are on record has having concerns about that, because I don't want 5 years down the road for the city to say well this was zoned this way for the last 10 years and we did not hear from anybody. I want to make sure we are on record.

Todd: Yes, this will be turned into the city and you will be on the record.

Ava: Adam, do you agree that is how this will roll, because I'm not apprised at how all of this works together. So, do you agree that those lots have to come to the City of Olathe and request when their business is going to be in the parcels.

Adam: I hopped on late. Todd can you inform me what is the zoning on the out parcels?

Todd: The whole commercial site, the outlying parcels as well as the conceptual multi-tenant building interior are all going to be zoned C-2. What's allowed in C-1 or C-2 zoning would be allowed in the zonings.

Adam: Typically, restrictions are put on the zoning itself during zoning time. It is not currently C-2 is that correct?

Todd: It is currently zoned CP-2, so it in its current state would allow for restaurant today without even rezoning it.

Adam: Yep. So, email me your concern and I will take it up with staff and see the best avenue to express those concerns.

Ava: Ok, so Mike I would like to ask that you and Ron do the same, so that get emails from more than just me.

Taylor: 21361 W 119<sup>th</sup> Terrace:

I know that was a big thing, I just recently moved here a couple of months ago and I know that was a huge thing that drew us to this area, was how quiet it was, all the land around so I was very concerned about having restaurants, especially fast food, I completely agree with Mike that is a disgusting smell so there are a ton of kids around here so of course we want them to be safe as well, so we are very concerned about what is going to go on those lots. We will definitely email as well.

Ava: Adam, can you just give us your email so that we don't have to search for it.

Adam: Sure yes, [amickelson@olatheks.org](mailto:amickelson@olatheks.org)

Ava: Thanks

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City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 13 of 14

Mike D: Todd, I would like to address one other possibility since we are kind of stretching, earlier we were expanding the of more that you are concerned about, is there any future expectations or anything in the works that you know of on the east side, the northeast side of 119<sup>th</sup> and Lone Elm.

Todd: Is this Mike again?

Mike D: Yes.

Todd: The current zoning on the northeast corner, I am not aware of any proposals for that corner and I am sure Kurt could attest to this as well, but the zoning on that northeast corner is zoned NC, which is considered by the City as Neighborhood Center, so it could be commercial. I don't know how far east that corner zoning goes off the top of my head, I am sure if you contacted the city planning department, they could advise you of that information. In the area above it is zoned RP-3 which would be something like multifamily units, townhomes, condominiums, 3-plexes, 4-plexes.

Mike D: Yes, there are 3-plexes going in that area now. Do you have any information on that area?

Adam: I can't say what I may or may not know is not public information.

Ava: Do you know when it will be public information? I am just asking Adam if he knows when the northeast corner of Lone Elm and College will be public information?

Adam: I have no idea on timing on any proposals.

Mike D: Is that part of your area?

Adam: Yes, my area basically starts at the train tracks on the east side and goes all the way to the City line on the west. It is almost dead center of my ward.

Mike D: I passed by that corner recently and it looks like it is for sale, so I am not sure what is going to happen to it. That field on the northeast.

Todd: I think you will find that a lot of the commercial ground throughout the city and other parts of cities within the county, typically a lot have for sale signs on them, that doesn't necessary mean someone's buying them, it means there is an opportunity if someone is interested in purchase it and do something with it. We see that quite often on commercial property.

Mike D: In what that it is worth category, that sign has been out there for 8 years.

City of Olathe Planning Department

Zachary Moore, Planner II

RE: Rezoning and Revised Preliminary Site Development Plan for Sunnybrook Commercial – RZ20-0009

October 28, 2020

Page 14 of 14

Todd: I am sure it has been there longer than that maybe.

Kurt: I believe you are correct.

Todd: Does anyone else have any other questions before we close it out. We have about another 15 minutes. We allowed, for this meeting, about an hour. If you have got any questions we can continue, if not we will look forward to proceeding on with the process.

Mike D: On the curve the area between the commercial and parking area what is that space?

Todd: Those are two smaller out parcels they are about  $\frac{3}{4}$ 's of an acre each. The proposed use in this case, assuming the multi-tenant parcel to the west and these 2 commercial properties are developed, would share the parking with the multi-tenant building to southeast. They would also have some parking. In their current state, .7 acres isn't typically large enough for a building and it's associate parking. That is why we expanded the parking between the multi-tenant building and the commercial sites to account for shared parking.

Mike D: Ok, thank you.

Todd: Does anyone else have any further questions. Ok, we will go ahead and end the zoom meeting, I would just like to thank everyone for being on the call. It is a benefit not only to the city to get your feedback but a benefit to us, the developers, and designers to hear your concerns and address whatever we can or assist in anyway we can. We really appreciate that you were involved in the process and we would recommend that you continue your involvement as things come forth in your neighborhood. If you are interested this will be going to the planning commission in November, it will be a public hearing, so you are welcome to attend.

Mike V: Thank you Todd for hosting the meeting.

Kurt: Thank everybody for your input.

Todd: Thank you Adam for getting on the call. I am sure the citizens all appreciate that.

Adam: Absolutely my pleasure.

Submitted by:

Payne & Brockway, P.A.



Todd Allenbrand



# **Payne & Brockway, P.A.**

**CIVIL ENGINEERS & LAND SURVEYORS**

Attachment  
MARK HUBBARD, P.E.  
GERALD CONN, L.S.

CARMAN G. PAYNE, P.E. (1892-1963)  
S.H. BROCKWAY, P.E. (1907-1989)  
LEE MEIREIS, R.L.S. (1933-2010)  
ED YOUNG, P.E., R.L.S. (1936-2011)  
JOHNNY RAY, R.L.S. (RETIRED)  
MIKE HOWELL, R.L.S.

November 24, 2020

Zach Moore, Planner II  
Planning Department  
City of Olathe, Kansas

RE: SUNNYBROOK COMMERCIAL, RZ20-0009

Mr. Moore,

Please accept this letter as our official request for a waiver of Olathe's Development Standards, Chapter 18.30.130 Landscaping, Buffers and Screening, J, Landscape Buffer Type 5A along the north and west property lines. The waiver is in accordance with the guidelines set forth in UDO 18.40.240 Waivers.

Per item 18.30.130 Landscaping, Buffers and Screening, J, Landscape Buffer Type 5A, we believe the intent of the buffer will be hard to meet if you consider the unique conditions of the adjacent properties to the north and west.

The Lone Elm Senior Apartments property to the north, as well as the commercial site, are encumbered by an existing gas pipeline easement. This easement makes it impossible to accommodate the 30' wide buffer with a wall and berm not to mention the required plantings. The landscape plan, to create some screening behind the multi-tenant building, is showing a solid row of evergreens and ornamental trees between the easement and curb. Outside of this area there are clusters of evergreens, ornamental and shade trees to help with the planting requirements. However, these areas still do not allow enough room to accommodate a wall and berm. We have learned that Southern Star, owner of the easement, will allow plantings as long as they do not exceed 3' in height at maturity. With the new information, at the time final development plans are submitted, the applicant will show small clusters of bushes and/or grasses randomly between the 8' path and the gas line.

The commercial site, adjacent to the proposed senior living to the west, will have a stormwater BMP's along their common property line from the gas easement to the north side of the commercial access drive. There is not enough space to construct a wall and berm, like the restrains along the gas easement, and the BMP requirements limit plantings within it. There are a few trees shown along the west property and the senior living site will have additional plantings on their property in this area. The remaining common property line, the southerly half, is reserved for a shared drive and connection points from the shared drive. As the commercial lot to the east is developed, the applicant will work with staff to identify locations for additional screening.

In closing we believe, taking all this into account, granting the waiver will not have any negative impacts, losses, or inconveniences to either the residential or nonresidential properties adjacent to the development.

Sincerely,

C. Todd Allenbrand



**From:** Zach Moore  
**Sent:** Thursday, December 10, 2020 8:51 AM  
**To:** 'Michael Votypka'  
**Cc:** Joan Sutterfield; Bill & Kathy Walters  
**Subject:** RE: Sunnybrook Rezoning Application

Thank you for your email Mr. Votypka and for taking my call yesterday. I will save this email in the file and it will be included in the Planning Commission Packet.

Best,

[Zach Moore](#), *Planner II*  
 (913) 971-8646 | [OlatheKS.org](http://OlatheKS.org)  
 Public Works | City of Olathe, Kansas  
**Setting the Standard for Excellence in Public Service**




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**From:** Michael Votypka <votypka@sbcglobal.net>  
**Sent:** Wednesday, December 09, 2020 10:15 AM  
**To:** Zach Moore <ZSMoore@OLATHEKS.ORG>  
**Cc:** Joan Sutterfield <jsutter5@att.net>; Bill & Kathy Walters <wallydjb@swbell.net>  
**Subject:** Sunnybrook Rezoning Application

Mr Moore,

Thank you for giving me the opportunity to comment on the commercial development on the NW corner of 119th & Lone Elm going north to 117th. By the way I did forwarded your email to 2 other residents who had attended at least 1 of the previous meetings regarding this area, Joan Sutterfield and Bill Walters. Hopefully they will communicate their concerns as well.

I definitely support all of the 9 prohibited items you listed in your email and would like to add some more.

- \* All fast food outlets such as McDonald's, Sonic, Arby's. Burger King, etc.,
- \* All liquor stores,
- \* All bars whose main source of income is liquor sales,
- \* All laundromats,
- \* All entertainment businesses, such as pool halls, game shops and the like,
- \* All smoke shop outlets, including marijuana outlets (when they become legal),
- \* All tattoo parlors,
- \* All shops dealing in erotica, such as Cirellas,
- \* All 'big box' stores, such as home Depot and the like,
- \* All grocery stores, such as Price Chopper and the like.

If I think of more, I will let you know.

Also of concern is the increase in traffic at the intersection of 119th & Lone Elm. I understand from comments made in the 2 previous meetings, that a signal will be installed at that intersection. Can anything be done at the 2 entrances to the access road off 119th and the one by 115th to ease egress in and out of the commercial area. I do understand reading the codes you provided that there will be no egress to the businesses from either 119th or Lone Elm. Certainly turn lanes and/or stop signs would help.

I do expect to attend the Monday meeting either by Zoom or in person.

Thank you,  
Mike Votypka  
21702 W 119th Terr., Unit 1101  
913.764.3241

**From:** Zach Moore  
**Sent:** Wednesday, December 09, 2020 12:22 PM  
**To:** BILL WALTERS  
**Cc:** Mike Votypka; Cheryl Lambrecht  
**Subject:** RE: Sunnybrook Rezoning Application concerns

Good afternoon Mr. Walters,

Thanks for reaching out to me. I will be sure to save this email into the case file and have it uploaded in the Planning Commission packet. I just spoke with Mr. Votypka over the phone as well. As was mentioned in the neighborhood meeting, the proposed development for the commercial portion of the project is conceptual in nature, and based on discussions that I've had with the property owner, he does not anticipate development activity occurring on the commercial portion until the 119th Street connection from Woodland Road to Northgate is completed. That connection is on the City's Capital Improvement Project and is scheduled to begin construction in 2025.

Additionally, regarding pedestrian connectivity in this area, when the traffic signal is installed at the intersection of 119th Street and Lone Elm Road, pedestrian crossing signals will be included with the existing crosswalks. I also spoke with Cheryl Lambrecht, of the City's Traffic Division, who I have copied to this email regarding the installation of sidewalks along Lone Elm Road south of 119th Street. She has indicated to me that improvements to this stretch of Lone Elm Road including curb and gutter, sidewalks, and streetlights is on the City's pending projects list.

Please feel free to reach out to me if you have any additional questions regarding the proposed developments, and I appreciate your interest in development of the community.

Best,

Zach Moore, Planner II  
 (913) 971-8646 | OlatheKS.org  
 Public Works | City of Olathe, Kansas  
 Setting the Standard for Excellence in Public Service

-----Original Message-----

From: BILL WALTERS <wallydjb@swbell.net>  
 Sent: Wednesday, December 09, 2020 9:51 AM  
 To: Zach Moore <ZSMoore@OLATHEKS.ORG>  
 Cc: Mike Votypka <votypka@sbcglobal.net>  
 Subject: Sunnybrook Rezoning Application concerns

Mr Moore:

We agree with the things that have been discussed that should be prohibited in the rezoning application.

We would like the traffic patterns to be discussed also. Right now with the two schools close by there is concern about the kids having to cross this busy road.

Sidewalks are not available along Lone Elm on either side heading South for the kids that walk.

Many drivers cut through the Grayson Place Ranch Villas to avoid this intersection.

Sincerely  
William Walters. Concerned resident

Sent from my iPhone